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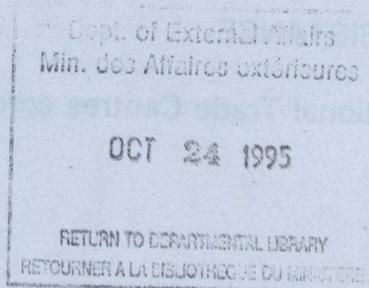
**SPECIALTY AIR SERVICES
AND THE
NORTH AMERICAN FREE TRADE AGREEMENT
A GUIDE FOR CANADIAN
OPERATORS**

This guide, prepared by the Service Industries and Transportation Division (TPS) of the Department of Foreign Affairs and International Trade, describes the basic provisions of the NAFTA that affect Specialty Air Services. If you are interested in obtaining a complete copy of NAFTA, please call InfoExport at: 1-800-267-8376 or Fax: 613-996-9709.

(aussi disponible en français)

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NAFTA

- "A" Annex 1603 - Temporary entry for "business persons"
- "B" Appendix 1603.A.1 - List of "business visitors"
- "C" Appendix 1603.D.1 of the NAFTA - List of "professionals" for Temporary Entry Purposes
- "D" NAFTA Article 305 - Temporary Admission of Goods

UNITED STATES

- "E" U.S. Customs - Temporary Admissions
- "F" U.S. Specialty Air Services Information Packet (procedures, regulation and Part 375 application form)
- "G" Contacts - U.S.

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- "H" Contacts - Mexico
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- "K" International Trade Centres across Canada

1. INTRODUCTION

The North American Free Trade Agreement (NAFTA), which came into force on January 1, 1994, contains provisions aimed at liberalizing specialty air services. The Canadian specialty air services industry has world class technology and capabilities and is poised to take advantage of the newly opened markets in the U.S. and Mexico. In order to assist Canadian industry, the Services Industries and Transportation Division (TPS) of the Department of Foreign Affairs and International Trade (DFAIT) has prepared this guide. It describes the basic provisions of the NAFTA that affect specialty air services and includes information on legal and administrative procedures that will be faced by Canadian providers attempting to access the U.S. and Mexican markets.

In addition, there are a number of Departmental and Governmental initiatives and programs aimed at helping Canadian services companies succeed in international markets. These are available either to individual companies or through industry associations. For more information about these government programs, please contact: Ms. Doreen Conrad, Services Industries and Transportation Division (TPS) at (613) 992-0484 or fax: (613) 996-1225 or the International Trade Centre nearest you.

The provisions of the NAFTA which liberalize specialty air services require fundamental changes to administrative procedures in place in each country. New manuals and forms are being developed in order to deal with the opening of markets and the anticipated increase in cross-border trade. The information contained in this guide will be amended when necessary to reflect these changes. However, at date of publication, the information contained herein is the most accurate available. The Department requests the assistance of Canadian industry in our continuing efforts to identify administrative procedures encountered when accessing U.S. and Mexican markets.

The information contained in this guide is to be used as a source of information, and does not constitute legal advice. It is recommended that legal or other professional advice (e.g. customs brokers, freight forwarders, trading houses, consultants, etc.) should be obtained in order to ensure compliance with domestic and foreign law. The Department of Foreign Affairs and International Trade assumes no responsibility for damages or loss resulting from reliance on the information contained in this guide.

2. NAFTA PROVISIONS

a) Covered Services

For the purposes of the NAFTA, specialty air services are defined as the following fourteen services:

- 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
- aerial spraying services

b) Liberalization Schedule

Not all covered services are liberalized as of January 1, 1994. Industries in each NAFTA country are at varying levels of development and require time to prepare for foreign competition. Aerial mapping, surveying and photography ("geomatics"), forest fire fighting and management, aerial advertising, glider towing and parachute jumping were liberalized in Canada and the U.S. as of January 1, 1994. However, aerial spraying is not liberalized until January 1, 2000. Mexico has a different timetable, liberalizing "geomatics" services on January 1, 2000. Please refer to Chart 1 on page 6 which indicates the implementation dates for each covered service.

The U.S. and Mexican markets for those services not yet liberalized are not necessarily closed to Canadian providers. It is possible to enter into strategic alliances and joint ventures with local firms that will satisfy domestic content requirements imposed by laws in those countries. In particular, some Mexican companies appear ready to enter into such arrangements with Canadian providers. Should your company be interested in entering into such a venture, the advice of legal counsel should be sought in order to structure the arrangement in a manner that will achieve desired goals.

In addition, U.S. and Mexican legislation does not explicitly deny market access to foreign companies (although there are a few exceptions) providing services not yet liberalized under the NAFTA. Typically, the U.S. and Mexico grant market access to foreign specialty air service providers taking into account safety standards and the interests of their domestic industries. If a service provided by your company is in demand, and no local company is capable of providing the same service, then the relevant aviation authority may grant authority to provide the service in advance of the liberalization provisions of the NAFTA.

Chart 1: NAFTA Liberalization Schedule By Country

NAFTA IMPLEMENTATION TIMETABLE SPECIALTY AIR SERVICES				
	JANUARY 1, 1994	JANUARY 1, 1996	JANUARY 1, 1997	JANUARY 1, 2000
CANADA	MAPPING, SURVEYING, PHOTOGRAPHY, FOREST FIRE MANAGEMENT, FIRE FIGHTING, ADVERTISING, GLIDER TOWING, PARACHUTE JUMPING,	CONSTRUCTION, HELI-LOGGING	SIGHTSEEING, FLIGHT TRAINING, INSPECTION, SURVEILLANCE,	AERIAL SPRAYING
UNITED STATES	MAPPING, SURVEYING, PHOTOGRAPHY, FOREST FIRE MANAGEMENT, FIRE FIGHTING, ADVERTISING, GLIDER TOWING, PARACHUTE JUMPING,	CONSTRUCTION, HELI-LOGGING	SIGHTSEEING, FLIGHT TRAINING, INSPECTION, SURVEILLANCE,	AERIAL SPRAYING
MEXICO	FOREST FIRE MANAGEMENT, FIRE FIGHTING, GLIDER TOWING, PARACHUTE JUMPING, FLIGHT TRAINING		ADVERTISING, SIGHTSEEING, CONSTRUCTION, HELI-LOGGING	INSPECTION, SURVEILLANCE, MAPPING, PHOTOGRAPHY, SURVEYING, AERIAL SPRAYING

c) Operating Authority

(i) National Treatment

Once a service is liberalized, each NAFTA country is obliged to grant qualified specialty air providers from other NAFTA countries authority to operate within its airspace. However, national safety standards and administrative requirements are applied, so long as the foreign NAFTA applicant is treated no less favourably than local service providers (in accordance with the principle of "national treatment"). For example, a Canadian operator is required to meet Mexican safety rules when operating in Mexico. Laws and regulations governing aviation in Canada, the U.S., and Mexico are different, and compliance with the laws of one country does not ensure compliance with the laws of another. As a result, an important consideration in gaining access to markets for specialty air services in the U.S. and Mexico involves an understanding of requirements that these laws impose. Some of the relevant aviation regulations of the U.S. and Mexico are discussed in the sections that follow.

For its part, Transport Canada must treat specialty air services companies from the U.S. and Mexico delivering a service covered under the NAFTA at least as favourably as it treats Canadian companies. However, specialty air services operators from the U.S. and Mexico wishing to do business in Canada will be required to comply with all Canadian laws, including those relating to transport, licensing and taxation. In this respect, Transport Canada intends to enforce existing safety and operating standards governing pilot and crew licences, aircraft and inspection of bases against NAFTA applicants, and will not issue operating certificates to any company that does not demonstrate that they comply with these standards. This means that U.S. and Mexican companies using equipment that does not comply with Canadian standards, such as ex-military aircraft, will not be permitted to operate such equipment in Canada until it meets these standards.

(ii) Forest Fire Fighting

The NAFTA does not affect the operation of the Canada/United States Reciprocal Forest Fighting Arrangement, which facilitates international co-operation in fighting fires in emergency situations.

d) Temporary Entry of Personnel

Annex 1603 of Chapter 16 of the NAFTA specifies four categories of individuals that are granted rights to enter another NAFTA country on a temporary basis. These categories are: Business visitors, Traders and Investors, Intra-Company Transferees and Professionals. Categories significant to the specialty air services industry are Business Visitors, Intra-Company Transferees and Professionals.

(i) Business Visitors

Canadian specialty air services companies wishing to take advantage of newly opened markets in the U.S. and Mexico may wish to have employees travel to those countries to market their services. These individuals are considered to be Business Visitors and will be granted temporary entry rights, provided that they otherwise comply with existing immigration measures applicable to temporary entry. Attachment "A" of this guide outlines the different categories of Business Visitors who qualify for temporary entry without an employment authorization.

(ii) Intra-Company Transferees

The NAFTA provides that, subject to conditions, each Party must provide temporary entry to business persons employed by an enterprise who seek to render services to that enterprise or a subsidiary or affiliate located in the territory of that Party. Business persons are not required to undergo labour certification but are required to obtain employment authorizations. Please refer to Attachment "B" for further information.

(iii) Professionals

Once the Canadian specialty air services company has secured a contract, personnel employed by that company involved in providing the service will want to enter the U.S. and Mexico to perform the work. In general, the NAFTA ensures that those professionals listed in the NAFTA who wish to work in another NAFTA country enjoy simplified entry procedures. In order to qualify, your profession must be listed as a profession in Appendix 1603.D.1 and must possess minimum levels of education and experience also described in that Appendix (see Attachment "C" for a selected list of professionals and qualifications required).

Qualified professionals will not be required to undergo labour certification tests but will be required to obtain employment authorization. In addition, equipment of professionals is permitted duty free entry into the territory of the other NAFTA Party. Professions already included in Annex 1603.D.1 that may be relevant to specialty air services include: Forester, Engineer, Land Surveyor, and Scientific Technician.

However, most categories of specialty air services personnel, most significantly, pilots, are not included on this list of professionals, and, therefore, do not enjoy the benefit of these simplified temporary entry procedures. Specialty air service personnel wishing to enter the U.S. and/or Mexico who do not qualify as professionals according to the criteria in Annex 1603.D.1 and who do not otherwise qualify for temporary entry in the other categories listed above, must comply with normal immigration requirements (labour certification procedures) of those countries. Further information may be obtained at U.S. and Mexican consulates in major centres across Canada (see Attachments "G" and "H" for addresses and phone/fax numbers).

(iv) Services Providers - Next Steps

The requirements imposed by U.S. and Mexican immigration laws on foreign operators may be time consuming and involve uncertainties. For this reason, Canada maintained the position throughout the NAFTA negotiations that meaningful cross-border trade in specialty air services requires that key personnel involved in the provision of the service enjoy the simplified entry procedures described above, so long as individuals are entering to complete work undertaken by an employer based in their home country.

To this end Canada proposed to the U.S. and Mexico that ten categories of SAS personnel most essential to the provision of a SAS be granted temporary entry privileges. Neither the U.S. nor Mexico, however, has agreed, as neither is of the view that current arrangements hinder the entry of SAS personnel. The result is that Canadian specialty air services personnel who wish to enter the U.S. or Mexico to perform specialty air services, but who are not included in the NAFTA provisions for temporary entry, will be required to comply with existing immigration and labour

certification procedures in those countries. You may wish to bring any difficulties you may encounter to the attention of Department of Foreign Affairs and International Trade.

e) Customs Procedures

As stated in 2(d)(iii) above, those occupations found in the professional category of the NAFTA are granted the right to bring equipment necessary to perform their work into another NAFTA country on a duty free basis. If your occupation is not a listed professional category, then you are required to comply with relevant customs laws of your country of destination as they relate to temporary entry of equipment. These are discussed in greater detail in the sections that follow.

f) Government Procurement

(i) NAFTA Provisions

Government procurement is the purchase of goods and services by federal, provincial, state and local governments for their own use. While the NAFTA has liberalized government procurement in many sectors, transportation has been generally excluded. However, a few specialty air services have been included.

(ii) Opportunities - Specialty Air Services

Significant for the specialty air services industry, the U.S. has agreed to liberalize its government procurement process for the contracting of aerial photography services (other non-aerial but related land mapping and surveying services have also been liberalized). Both Canada and the U.S. have agreed to liberalize government procurement of "water bombing" services, an obvious component of the forest fire fighting specialty air service. Another specialty air service, photogrammetry, has also benefitted from liberalized government procurement practices.

All other specialty air services, are excluded from the liberalizing provisions of the NAFTA on government procurement. This means, for example, that a U.S. government agency may show preference for an American company in the tender process based solely on the fact that the company is American.

The nature of the specialty air services industry is such that federal, state or provincial governments provide a significant source of business. In this respect, the liberalization of government procurement markets is an important component of market access. Some members of the Canadian industry have expressed disappointment that the government procurement market was not liberalized, as they see many business opportunities with the U.S. government. However, many others have indicated a preference for ensuring that government procurement within Canada

remains protected.

The NAFTA obliges the Parties to review their government procurement provisions starting in 1998, with the intent to seek the possibility of further liberalization. This review provides the Canadian government another opportunity to consult with the Canadian specialty air services industry regarding this issue.

Note that a Canadian specialty air service company is not thereby excluded from bidding on, and winning government contracts in the U.S. and Mexico. In fact, Canadian companies have been successful in obtaining government contracts for their services in both the U.S. and Mexico. This reflects the fact that the Canadian specialty air service industry is highly regarded internationally and its expertise is in demand. However, a Canadian, U.S. or Mexican government body contracting for the services of a specialty air services company may continue to show preference for its own industry during the tender process.

3. UNITED STATES - MARKET ACCESS

a) Operating Requirements

(i) Part 375 Permit

Operation of specialty air services in the United States by operators of foreign civil aircraft is governed by the Federal Aviation Act of 1958, as implemented by 14 CFR Part 375. The Part 375 permit requires that an operator of a foreign civil aircraft obtain approval from the U.S. Department of Transportation before engaging in commercial operations in the United States. Prior to the NAFTA, Canadian companies applying for a Part 375 permit were often rejected based on a determination that Canada did not provide "reciprocal treatment" to U.S. companies wishing to operate in this country. Canadian applicants were required to survey U.S. industry concerning the prospective project to determine whether a U.S. business was available to perform the contract ("right of first refusal").

As a result of the NAFTA, Canada is deemed to have satisfied the test of "reciprocity". Canadian applicants will no longer be required to undertake a survey of U.S. industry. However, once a Part 375 permit is issued, the operator must comply with all applicable operating regulations imposed by the Federal Aviation Administration (for further information please contact the FAA - see attachment "G").

(ii) Application Form

An example of a Part 375 Permit application form may be found in Attachment "F" and to obtain a Part 375 Permit turn to Attachment "G". The U.S. Department of Transport indicates that a Part 375 permit may be granted "prospectively (ie. prior to having been awarded a contract) provided the application includes information on the type of service to be performed and the general location of operation (for example, the northwestern United States). This allows the U.S. Department of Transport to notify the relevant Federal Aviation Administration field office in the event that physical inspections or operational assistance might be needed. Further, a permit may be issued for a certain time period rather than for the length of a contract, unless questions arise about the safety of the operations.

(iii) Establishment of Operational Bases

As discussed above, a Canadian that operates an aircraft in the U.S. must obtain a Part 375 permit. A Part 375 permit must also be obtained should the Canadian own, control, or operate an aircraft of U.S. registry. This is the case even if the U.S. registered aircraft is owned by a U.S. corporation which has less than 75% voting interest owned or controlled by U.S. citizens (and where the president - or more than one-third of the board of directors and other managing officers - are foreigners). As

such any substantial ownership or investment in a U.S. company by a Canadian will trigger the requirement for a Part 375 permit.

To our knowledge there is no U.S. law preventing a Canadian from investing in a U.S. specialty air services company or preventing a Canadian operator from establishing an operational base of a temporary nature while providing a service in the U.S. For safety reasons, the establishment of such a base may sometimes be desirable. The operator would be required to obtain a Part 375 permit. Now that the NAFTA is in force, the permit process will be simplified (see above).

b) Immigration

Specialty air service personnel that do not qualify for temporary entry privileges contained in the NAFTA (see 2(d) above) should contact relevant U.S. immigration authorities at U.S. consulates in major centres across Canada to determine entry requirements (see Attachment "G").

c) Customs

U.S. Customs classifies certain equipment as "tools of the trade" (see Attachment "E") and permits such equipment to enter the United States duty free on a temporary basis (one year or less, although this period may be extended) so long as the equipment is imported by a non-resident. In compliance with its NAFTA obligation, discussed in 2(d)(ii) above, the U.S. permits duty free entry of equipment of individuals that qualify as professionals according to Annex 1603.D.1 (see attachment "C"). However, there is other equipment considered to be "tools of the trade" and is also granted such duty free privileges. Please contact U.S. Customs for details (see Attachment "G")

An individual claiming duty free status for his/her equipment upon entry into the U.S. must provide the following:

- 1) an entry document that describes the item and the purpose of its importation and includes attestation that the good is being imported by a non-resident; and
- 2) posting of a bond for non-originating goods refundable when equipment is exported from the U.S.

Upon departure, an additional form will need to be completed to demonstrate that the item has been exported from the United States. Many Canadian services companies entering the U.S. find that the services of a customs broker are very useful in ensuring that these procedures are completed accurately and quickly.

d) Further Assistance

Attachment "G" contains a list of Canadian trade commissioners throughout the United States and International Trade Centres (ITCs) across Canada which can provide assistance to your company. The ITCs are run jointly by the Department of Foreign Affairs and International Trade and Industry Canada, and provide a wide range of services to companies seeking export counselling.

4. MEXICO-MARKET ACCESS

a) Operating Requirements

Mexico has provided an information kit containing three documents for reference by Canadian operators (see Attachment "I"). The first is a description of the NAFTA application procedure and specifications for specialty air services. The second is a list of contacts at the Mexican Civil Aviation Board. The third is a description of the requirements for the provision of specialty air services in Mexico by foreign registered aircraft broken down by individual specialty. Other contacts within Mexico that will be of assistance to you can be found in Attachment "H".

b) Investment

All companies wishing to provide specialty air services in Mexico with foreign registered aircraft must apply for permission. Only aircraft owned by Mexican nationals or Mexican enterprises in which 75% of the voting interest is owned or controlled by Mexican nationals and of which the chairman and at least two-thirds of the managing officers are Mexican nationals may be registered in Mexico. As a result, investors from another NAFTA country cannot own more than 25% of a Mexican company that provides specialty air services with Mexican registered aircraft.

c) Immigration

The three NAFTA countries have agreed to publish guidelines to their immigration procedures for temporary entry. The Mexican guidelines are forthcoming. Interested companies can contact Mexican Immigration and Customs offices if they require further information (see Attachment "H").

Article 42 of the General Population Act reads as follows is relevant for business travellers seeking temporary entry to Mexico and reads as follows:

Article 42.- A non-immigrant is a foreigner who, with permission from the Ministry of the Interior, enters the country temporarily and falls under one of the

following categories: ...

III. VISITOR: a person who enters the country to engage in profit making or non-profit activities provided that these are lawful and in accordance with moral standards, with authorization to remain in Mexico for up to one year. When a foreign visitor, during his or her stay, lives off funds brought from abroad, interest from such funds or any other income from abroad, or enters the country for purposes of studying investment prospects or making investments, or is engaged in scientific, technical, consulting, artistic, sports or similar activities, a maximum of four extensions for an equal period may be granted with multiple entries and exits allowed.

d) Customs

Mexico also grants temporary entry to certain equipment needed to provide a service covered by the NAFTA on a duty free basis. Posting of a bond may be required and a Mexican customs broker may be needed for this purpose. A list of Mexican customs brokers is provided in Attachment "H". The basis for this special treatment of temporary imports is provided below.

Article 75, Chapter III of the [Mexican] Customs Act reads as follows:

CHAPTER III

Temporary Imports and Exports

Definition of temporary import

Article 75.

1. "Temporary import" means the entry into Mexico of goods which will stay in the country for a limited time and for a specific purpose, provided that they leave the country in the same state, for the following periods:
 - a) Up to one month for trailers provided they are transporting the goods which they brought into the country or goods destined for export.
 - b) Up to six months in the following cases:
 - I. Imports made by foreign residents provided they are used directly by the residents or persons with whom they have a business relationship, not including vehicles.

ATTACHMENT "A"

NAFTA ANNEX 1603

Temporary Entry for Business Persons

Section A - Business Visitors

1. Each Party shall grant temporary entry to a business person seeking to engage in a business activity set out in Appendix 1603.A.1, without requiring that person to obtain an employment authorization, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry, on presentation of:

- (a) proof of citizenship of a Party;
- (b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry; and
- (c) evidence demonstrating that the proposed business activity is international in scope and that the business person is not seeking to enter the local labor market.

2. Each Party shall provide that a business person may satisfy the requirements of paragraph 1(c) by demonstrating that:

- (a) the primary source of remuneration for the proposed business activity is outside the territory of the Party granting temporary entry; and
- (b) the business person's principal place of business and the actual place of accrual of profits, at least predominantly, remain outside such territory.

A Party shall normally accept an oral declaration as to the principal place of business and the actual place of accrual of profits. Where the Party requires further proof, it shall normally consider a letter from the employer attesting to these matters as sufficient proof.

3. Each Party shall grant temporary entry to a business person seeking to engage in a business activity other than those set out in Appendix 1603.A.1, without requiring that person to obtain an employment authorization, on a basis no less favorable than that provided under the existing provisions of the measures set out in Appendix 1603.A.3, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry.

4. No Party may:

- (a) as a condition for temporary entry under paragraph 1 or 3, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1 or 3.

5. Notwithstanding paragraph 4, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

Section B - Traders and Investors

1. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to:

- (a) carry on substantial trade in goods or services principally between the territory of the Party of which the business person is a citizen and the territory of the Party into which entry is sought, or
- (b) establish, develop, administer or provide advice or key technical services to the operation of an investment to which the business person or the business person's enterprise has committed, or is in the process of committing, a substantial amount of capital,

in a capacity that is supervisory, executive or involves essential skills, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry.

2. No Party may:

- (a) as a condition for temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry.

Section C - Intra-Company Transferees

1. Each Party shall grant temporary entry and provide confirming documentation to a business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or affiliate thereof, in a capacity that is managerial, executive or involves specialized knowledge, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry. A Party may require the business person to have been employed continuously by the enterprise for one year within the three-year period immediately preceding the date of the application for admission.

2. No Party may:

- (a) as a condition for temporary entry under paragraph 1, require labor certification tests or other procedures of similar effect; or
- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

Section D - Professionals

1. Each Party shall grant temporary entry and provide confirming documentation to a business person seeking to engage in a business activity at a professional level in a profession set out in Appendix 1603.D.1, if the business person otherwise complies with existing immigration measures applicable to temporary entry, on presentation of:

- (a) proof of citizenship of a Party; and
- (b) documentation demonstrating that the business person will be so engaged and describing the purpose of entry.

2. No Party may:

- (a) as a condition for temporary entry under paragraph 1, require prior approval procedures, petitions, labor certification tests or other procedures of similar effect; or

- (b) impose or maintain any numerical restriction relating to temporary entry under paragraph 1.

3. Notwithstanding paragraph 2, a Party may require a business person seeking temporary entry under this Section to obtain a visa or its equivalent prior to entry. Before imposing a visa requirement, the Party shall consult with a Party whose business persons would be affected with a view to avoiding the imposition of the requirement. With respect to an existing visa requirement, a Party shall consult, on request, with a Party whose business persons are subject to the requirement with a view to its removal.

4. Notwithstanding paragraphs 1 and 2, a Party may establish an annual numerical limit, which shall be set out in Appendix 1603.D.4, regarding temporary entry of business persons of another Party seeking to engage in business activities at a professional level in a profession set out in Appendix 1603.D.1, if the Parties concerned have not agreed otherwise prior to the date of entry into force of this Agreement for those Parties. In establishing such a limit, the Party shall consult with the other Party concerned.

5. A Party establishing a numerical limit pursuant to paragraph 4, unless the Parties concerned agree otherwise:

- (a) shall, for each year after the first year after the date of entry into force of this Agreement, consider increasing the numerical limit set out in Appendix 1603.D.4 by an amount to be established in consultation with the other Party concerned, taking into account the demand for temporary entry under this Section;
- (b) shall not apply its procedures established pursuant to paragraph 1 to the temporary entry of a business person subject to the numerical limit, but may require the business person to comply with its other procedures applicable to the temporary entry of professionals; and
- (c) may, in consultation with the other Party concerned, grant temporary entry under paragraph 1 to a business person who practices in a profession where accreditation, licensing, and certification requirements are mutually recognized by those Parties.

6. Nothing in paragraph 4 or 5 shall be construed to limit the ability of a business person to seek temporary entry under a Party's applicable immigration measures relating to the entry of professionals other than those adopted or maintained pursuant to paragraph 1.

7. Three years after a Party establishes a numerical limit pursuant to paragraph 4, it shall consult with the other Party concerned with a view to determining a date after which the limit shall cease to apply.

ATTACHMENT "B"

NAFTA Appendix 1603.A.1

LIST OF "BUSINESS VISITORS" FOR TEMPORARY ENTRY PURPOSES

Research and Design

- Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another Party.

Growth, Manufacture and Production

- Harvester owner supervising a harvesting crew admitted under applicable law.
- Purchasing and production management personnel conducting commercial transactions for an enterprise located in the territory of another Party.

Marketing

- Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the territory of another Party.
- Trade fair and promotional personnel attending a trade convention.

Sales

- Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of another Party but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in the territory of another Party.

Distribution

- Transportation operators transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party.

- With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada.
- With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States.
- Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

After-Sales Service

- Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

General Service

- Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1.
- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party.
- Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party.
- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.
- Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party.
- Tour bus operators entering the territory of a Party:
 - (a) with a group of passengers on a bus tour that has begun in, and will

return to, the territory of another Party;

- (b) to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party; or
- (c) with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party.

- Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

Definitions

For purposes of this Appendix:

territory of another Party means the territory of a Party other than the territory of the Party into which temporary entry is sought;

tour bus operator means a natural person, including relief personnel accompanying or following to join, necessary for the operation of a tour bus for the duration of a trip; and

transportation operator means a natural person, other than a tour bus operator, including relief personnel accompanying or following to join, necessary for the operation of a vehicle for the duration of a trip.

ATTACHMENT "C"

NAFTA Appendix 1603.D.1

LIST OF PROFESSIONALS FOR TEMPORARY ENTRY PURPOSES

(Selected Excerpts)

PROFESSION¹	MINIMUM EDUCATION REQUIREMENTS AND ALTERNATIVE CREDENTIALS
General	
Economist	Baccalaureate or Licenciatura Degree
Engineer	Baccalaureate or Licenciatura Degree; or state/provincial license
Forester	Baccalaureate or Licenciatura Degree; or state/provincial license
Graphic Designer	Baccalaureate or Licenciatura Degree; or Post- Secondary Diploma or Post-Secondary Certificate, and three years experience
Industrial Designer	Baccalaureate or Licenciatura Degree; or Post- Secondary Diploma or Post-Secondary Certificate, and three years experience
Land Surveyor	Baccalaureate or Licenciatura Degree; or state/provincial/federal license
Landscape Architect	Baccalaureate or Licenciatura Degree
Lawyer (including Notary in the Province of Quebec)	LL.B., J.D., LL.L., B.C.L. or Licenciatura Degree (five years); or membership in a state/provincial bar
Management Consultant	Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement
Mathematician (including Statistician)	Baccalaureate or Licenciatura Degree
Range Manager/ Range Conservationist	Baccalaureate or Licenciatura Degree
Research Assistant (working in a post-secondary educational institution)	Baccalaureate or Licenciatura Degree

¹ A business person seeking temporary entry under this Appendix may also perform training functions relating to the profession, including conducting seminars.

Scientific Technician/Technologist²

Possession of (a) theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics; and (b) the ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research

Sylviculturist (including Forestry Specialist)

Baccalaureate or Licenciatura Degree

Technical Publications Writer

Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience

Urban Planner (including Geographer)

Baccalaureate or Licenciatura Degree

Scientist

Biochemist

Baccalaureate or Licenciatura Degree

Biologist

Baccalaureate or Licenciatura Degree

Chemist

Baccalaureate or Licenciatura Degree

Geologist

Baccalaureate or Licenciatura Degree

Geochemist

Baccalaureate or Licenciatura Degree

Geophysicist (including Oceanographer in Mexico and the United States)

Baccalaureate or Licenciatura Degree

Meteorologist

Baccalaureate or Licenciatura Degree

Physicist (including Oceanographer in Canada)

Baccalaureate or Licenciatura Degree

Soil Scientist

Baccalaureate or Licenciatura Degree

Teacher

College

Baccalaureate or Licenciatura Degree

University

Baccalaureate or Licenciatura Degree

² A business person in this category must be seeking temporary entry to work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics.

ATTACHMENT "D"

NAFTA Article 305: Temporary Admission of Goods

1. Each Party shall grant duty-free temporary admission for:
 - (a) professional equipment necessary for carrying out the business activity, trade or profession of a business person who qualifies for temporary entry pursuant to Chapter Sixteen (Temporary Entry for Business Persons),
 - (b) equipment for the press or for sound or television broadcasting and cinematographic equipment,
 - (c) goods imported for sports purposes and goods intended for display or demonstration, and
 - (d) commercial samples and advertising films,imported from the territory of another Party, regardless of their origin and regardless of whether like, directly competitive or substitutable goods are available in the territory of the Party.
2. Except as otherwise provided in this Agreement, no Party may condition the duty-free temporary admission of a good referred to in paragraph 1(a), (b) or (c), other than to require that such good:
 - (a) be imported by a national or resident of another Party who seeks temporary entry;
 - (b) be used solely by or under the personal supervision of such person in the exercise of the business activity, trade or profession of that person;
 - (c) not be sold or leased while in its territory;
 - (d) be accompanied by a bond in an amount no greater than 110 percent of the charges that would otherwise be owed on entry or final importation, or by another form of security, releasable on exportation of the good, except that a bond for customs duties shall not be required for an originating good;
 - (e) be capable of identification when exported;
 - (f) be exported on the departure of that person or within such other period of time as is reasonably related to the purpose of the temporary admission; and
 - (g) be imported in no greater quantity than is reasonable for its intended use.
3. Except as otherwise provided in this Agreement, no Party may condition the duty-free temporary admission of a good referred to in paragraph 1(d), other than to require that such

good:

- (a) be imported solely for the solicitation of orders for goods, or services provided from the territory, of another Party or non-Party;
 - (b) not be sold, leased or put to any use other than exhibition or demonstration while in its territory;
 - (c) be capable of identification when exported;
 - (d) be exported within such period as is reasonably related to the purpose of the temporary admission; and
 - (e) be imported in no greater quantity than is reasonable for its intended use.
4. A Party may impose the customs duty and any other charge on a good temporarily admitted duty-free under paragraph 1 that would be owed on entry or final importation of such good if any condition that the Party imposes under paragraph 2 or 3 has not been fulfilled.
5. Subject to Chapters Eleven (Investment) and Twelve (Cross-Border Trade in Services):
- (a) each Party shall allow a vehicle or container used in international traffic that enters its territory from the territory of another Party to exit its territory on any route that is reasonably related to the economic and prompt departure of such vehicle or container;
 - (b) no Party may require any bond or impose any penalty or charge solely by reason of any difference between the port of entry and the port of departure of a vehicle or container;
 - (c) no Party may condition the release of any obligation, including any bond, that it imposes in respect of the entry of a vehicle or container into its territory on its exit through any particular port of departure; and
 - (d) no Party may require that the vehicle or carrier bringing a container from the territory of another Party into its territory be the same vehicle or carrier that takes such container to the territory of another Party.
6. For purposes of paragraph 5, "vehicle" means a truck, a truck tractor, tractor, trailer unit or trailer, a locomotive, or a railway car or other railroad equipment.

admission; and

- be imported in no greater quantity than is reasonable for its intended use.

[Source: *NAFTA - A Guide to Customs Procedures*, Department of the Treasury, U.S. Customs Service, Washington D.C. (U.S. Customs Publication No. 571, Revised January 1994), p. 40.]

ATTACHMENT "E"

U.S. Customs Guide Excerpt on Temporary Admission of Goods under NAFTA

Temporary Admissions

The NAFTA requires Canada, Mexico and the United States to grant duty-free temporary admission to certain classes of goods imported from another NAFTA country. Duty-free entry cannot be conditioned on whether or not directly competitive or substitutable goods are available in the importing country. In addition, the goods do not have to originate in a NAFTA country.

Certain Professional Equipment, Sports Goods, and Goods for Display. A person can temporarily import duty-free: professional equipment (tools of the trade), equipment for the press or for sound or television broadcasting, cinematographic equipment, goods for sports purposes, and goods for display or demonstration. As a condition of duty-free entry, a NAFTA country may require that these goods:

- not be sold or leased while in its territory;
- be accompanied by a bond if they are not originating goods as defined in Chapter 4 of the NAFTA;
- only remain in the importing country until the departure of the person or within a reasonable time established by each country;
- be capable of identification when exported;
- be imported in no greater quantity than is reasonable for its intended use;
- be imported by a national or resident of another NAFTA country that seeks temporary entry;
- be used solely by or under the personal supervision of the person importing the good in the exercise of the business activity, trade or profession.

Commercial Samples and Advertising Films. Commercial samples and advertising films may also be imported temporarily without payment of duties. As a condition of duty-free entry, a NAFTA country may require that these goods:

- be imported solely for the solicitation of orders for goods, or services from another country;
- not be sold, leased or put to any use other than exhibition or demonstration while in its territory;
- be capable of identification when exported;
- be exported within such period as is reasonably related to the purpose of the temporary

ATTACHMENT 1

U.S. Customs Guide Except as Temporary Admission of Goods under NAFTA

Temporary Admission

The NAFTA member States, Mexico and the United States to grant duty-free temporary admission to certain classes of goods imported from another NAFTA country. Duty-free entry cannot be conditioned on whether or not the goods are available or obtainable in the importing country. In addition, the goods do not have to originate in a NAFTA country.

Certain Professional Equipment, Sports Goods, and Goods for Display. A person can temporarily import duty-free professional equipment (tools of the trade), equipment for the press, for sound or television broadcasting, cinema graphic equipment, goods for sports purposes, and goods for display or demonstration. As a condition of duty-free entry, a NAFTA country may require that these goods

not be sold, leased or otherwise disposed of in the territory.

be recognized by a bond if the goods are not intended to be used in the territory.

U.S. CUSTOMS - TARIFF SCHED (2 PAGES)

only remain in the importing country with the agreement of the person or within a reasonable time specified by each country.

be capable of identification when exported.

be imported in no greater quantity than is reasonable for its intended use.

be imported by a natural or resident of another NAFTA country that seeks temporary entry.

be used solely for or under the personal supervision of the person importing the good in the course of the business activity, trade or profession.

Commercial Samples and Advertising Plans. Commercial samples and advertising plans may also be imported temporarily without payment of duties. As a condition of duty-free entry, a NAFTA country may require that these goods

be imported solely for the exhibition of orders for goods, or services from another country.

not be sold, leased or put to any use other than exhibition or demonstration while in the territory.

be capable of identification when exported.

be exported within such period as is reasonably related to the purpose of the temporary

HARMONIZED TARIFF SCHEDULE of the United States (1993)

Annotated for Statistical Reporting Purposes

SUBCHAPTER XIII

ARTICLES ADMITTED TEMPORARILY FREE OF DUTY UNDER BOND

XXC
98-1

U.S. Notes

1. (a) The articles described in the provisions of this subchapter, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that (1) articles imported under heading 9813.00.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such a 6-month period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under heading 9813.00.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this note, an aircraft engine or propeller, or any part or accessory of either, imported under heading 9813.00.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.
- (b) For articles admitted into the United States under heading 9813.00.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.
- (c) For purposes of this subchapter, the shipment to Canada of an article entered into the United States under heading 9813.00.05 shall not constitute an exportation, unless the article is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988. This paragraph shall apply to shipments on or after January 1, 1994 (or, if later, the date proclaimed by the President under section 234(b)(2)(B) of such Act).
2. Merchandise may be admitted into the United States under heading 9813.00.05 only on condition that:
 - (a) Such merchandise will not be processed into an article manufactured or produced in the United States if such article is:
 - (i) Alcohol, distilled spirits, wine, beer or any dilution or mixture of any or all of the foregoing;
 - (ii) A perfume or other commodity containing ethyl alcohol (whether or not such alcohol is denatured); or
 - (iii) A product of wheat; and
 - (b) If any processing of such merchandise results in an article (other than an article described in (a) of this U.S. note) manufactured or produced in the United States:
 - (i) A complete accounting will be made to the Customs Service for all articles, wastes and irrecoverable losses resulting from such processing; and
 - (ii) All articles and valuable wastes resulting from such processing will be exported or destroyed under customs supervision within the bonded period; except that in lieu of the exportation or destruction of valuable wastes duties may be tendered on such wastes at rates of duties in effect for such wastes at the time of importation.
3. Upon satisfactory proof that any article admitted under heading 9813.00.30 has been destroyed because of its use for any purpose provided for therein, the obligation under the bond to export such article shall be treated as satisfied.
4. District Directors of Customs may defer the exaction of a bond for not to exceed 90 days after the date of importation for vehicles and craft entered under heading 9813.00.35 to take part in races or other specific contests for other than money prizes; but unless any such vehicle or craft is exported or the bond is given within the period of such deferment, such vehicle or craft shall be subject to forfeiture.
5. Articles may be admitted under heading 9813.00.75 only on condition that the Secretary of the Treasury shall have found that the foreign country from which the articles were imported allows, or will allow, substantially reciprocal privileges in respect of similar imports to such country from the United States; and if the Secretary finds that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges of heading 9813.00.75 shall not apply thereafter in respect of imports from such foreign country.

Statistical Note

1. For any article entered under statistical reporting number 9813.00.0520, the proper citation for statistical reporting shall consist of 9813.00.0520 followed by the statistical reporting number for the provision which would have applied if such article were not classifiable in this subchapter and the unit of quantity to be reported is the unit shown for such article in such other provision.

HARMONIZED TARIFF SCHEDULE of the United States (1993)

Annotated for Statistical Reporting Purposes

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Heading/ Subheading	Stat. Suf- fix	Article Description	Units of Quantity	Rates of Duty		2
				General	Special	
9813.00.35	1/	Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests.....	.....	Free, under bond, as prescribed in U.S. note 1 to this subchapter	Free (CA) <i>Jan 1/94</i> <i>MF.</i>	Free, under bond, as prescribed in U.S. note 1 to this subchapter
9813.00.40	1/	Locomotives and other railroad equipment brought temporarily into the United States for use in clearing obstructions, fighting fires or making emergency repairs on railroads within the United States, or for use in transportation otherwise than in international traffic when the Secretary of the Treasury finds that the temporary use of foreign railroad equipment is necessary to meet an emergency.....	.....	Free, under bond, as prescribed in U.S. note 1 to this subchapter	Free (CA)	Free, under bond, as prescribed in U.S. note 1 to this subchapter
9813.00.45	1/	Containers for compressed gases, filled or empty, and containers or other articles in use for covering or holding merchandise (including personal or household effects) during transportation and suitable for reuse for that purpose.....	.....	Free, under bond, as prescribed in U.S. note 1 to this subchapter	Free (CA)	Free, under bond, as prescribed in U.S. note 1 to this subchapter
9813.00.50	1/	Professional equipment, tools of trade, repair components for equipment or tools admitted under this heading and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents.....	.....	Free, under bond, as prescribed in U.S. note 1 to this subchapter	Free (CA)	Free, under bond, as prescribed in U.S. note 1 to this subchapter

ATTACHMENT "F"

U.S. Specialty Air Services Information Packet (procedures, regulation and Part 375 application)

U.S. INFO PACKET

U.S. INFO PACKET

U.S. Department of Transportation
Office of the Secretary of Transportation
September, 1992

Specialty Air Services Information Packet

for Canadian and Mexican operators seeking
DOT authority to conduct agricultural and
industrial operations in the United States
using foreign civil aircraft



U.S. Department of Transportation
Office of the Secretary of Transportation
September, 1993

APPLICATION PROCEDURES FOR CANADIAN AND MEXICAN OPERATORS OF FOREIGN CIVIL AIRCRAFT TO CONDUCT SPECIALTY AIR SERVICES IN THE UNITED STATES

Introduction

The operation of "specialty air services" in the United States by operators of foreign civil aircraft is governed by section 1108(b) of the Federal Aviation Act of 1958, as amended, as implemented by 14 CFR Part 375 of the Department's regulations (copy attached). Part 375 governs the navigation in the United States of "foreign civil aircraft", that is, civil, non-military aircraft that either are foreign-registered or are U.S.-registered but owned, controlled or operated by non U.S.-citizens (as such citizens are defined in the Act).¹

Who Must File an Application

Part 375 requires that an operator of a foreign civil aircraft obtain prior Department approval, in the form of a foreign aircraft permit, before engaging in any commercial air operations in the United States. Commercial air operations include the range of activities which are commonly known as "specialty air services."² Thus, a Canadian or Mexican operator seeking to perform flight operations in the United States using a foreign civil aircraft, and involving crop dusting, pest control, pipeline patrols, mapping, photography, surveying, banner towing, logging, and any other agricultural or industrial operations conducted for remuneration or hire, including the wet-lease (i.e., the lease of an aircraft and crew) of aircraft to a U.S. or foreign operator, must file an application for a foreign aircraft permit. Sightseeing flights within the United States may also be authorized under these procedures as long as all passengers are returned to the point of departure (i.e., no "cabotage" traffic may be carried between two U.S. points).

Note that nonrevenue flights, such as ferry flights and flights for the operator's own use, are authorized by regulation in Part 375 and do not require prior Department approval. Nor is our prior approval required for an operator to dry-lease its foreign

¹ Section 101(16) of the Act defines "citizen of the United States" as "(a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions."

² They do not, however, include air operations in common carriage covered under Title IV of the Federal Aviation Act, Sections 401 ~~et seq.~~

civil aircraft (that is, lease without crew) to a U.S. or foreign operator to be used in the United States, so long as the operator/lessor does not have operational control over the U.S. services conducted with the leased aircraft.³

Application Procedures

An operator of a foreign civil aircraft desiring to conduct commercial air operations for hire in the United States must file an application with the Department for a foreign aircraft permit. Application may be made either by using the OST Form 4509 included in this packet, or by letter containing equivalent information. An original and two copies of the form or letter must be filed.

Applications must include the following information:

- (a) the name, address, and nationality of the operator of the aircraft;
- (b) the name, address, and telephone number of the party to which the Department should send the requested foreign aircraft permit;
- (c) the make, model and registration (tail) number of the aircraft to be used in the proposed operations;
- (d) the country in which the aircraft is registered;
- (e) the name and address of the registered owner of the aircraft;
- (f) the name and address of the contractor or charterer for whom the applicant proposes to conduct the operations;
- (g) the number, routing, and proposed dates of operation of the flights;
- (h) a description of the proposed operations;
- (i) a statement of whether reciprocity exists on the part of the applicant's homeland government--that is, whether that government would authorize U.S. operators to conduct comparable services in that country; and
- (j) a certification by the applicant that the proposed operations conform to the Department's regulations and orders.

Applications may be made by mail, to:

U.S. Department of Transportation
Foreign Air Carrier Licensing Division, P-45
400 Seventh Street, S.W.
Washington, D.C. 20590

Applications may also be made to the Department by fax (202-366-3694), and, in emergency circumstances, may be made by telephone (202-366-2388). After normal business hours, applicants seeking emergency authorization may call the Federal Aviation Administration Duty Officer at 202-267-3333, and ask to be connected with a representative of DOT's Foreign Air Carrier Licensing Division.

³ Although these operations do not require a foreign aircraft permit, they must comply with Part 375's "Rules Generally Applicable", including airworthiness requirements and U.S. air traffic control rules.

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.

I. Canada

We have for many years found Canadian reciprocity in the area of specialty air services to be defective. This is because Canada affords its operators a "first refusal" or "primary rights" privilege over applications filed by U.S. operators, whereby Canada will not approve a U.S. operator's application if a Canadian operator claims it can provide the service.

The United States does not condone the existence of first refusal, and does not give first refusal privileges to its operators. However, in response to the practice on the part of Canada, which has effectively closed the Canadian market to U.S. specialty air service operators, we have adopted a practice of withholding approval of applications by Canadian operators to conduct specialty air services in the United States unless the applicant can conclusively demonstrate that no other operator, of either the United States or a foreign country with satisfactory reciprocity, can conduct the operation, and that there is a compelling public interest need for the service.

In light of the existence of Canada's first refusal practice, and our response, Canadian applicants for foreign aircraft permits should be prepared, at the time of their application, to demonstrate that no non-Canadian operator has the capability to conduct the operation being proposed.

II. Mexico

The state of reciprocity with Mexico is untested at present, as we are aware of no instances where a U.S. operator has attempted to conduct specialty air services in that country. Therefore, a Mexican operator applying to conduct such services in the United States would need to confirm that reciprocity exists, either by providing with its application a statement from the Mexican government that Mexico would authorize U.S. operators to conduct these services, or by providing other information demonstrating that reciprocity exists. While, as noted above, we require Mexican applicants to serve their applications on interested U.S. operators, we do not give U.S. operators first refusal privileges. Thus, if reciprocity appears adequate, we will not disapprove a Mexican operator's application if a U.S. operator merely states that it is available to perform the proposed operation.

Issuance of a Foreign Aircraft Permit

If we determine that a particular application warrants approval under our procedures, we will issue a foreign aircraft permit authorizing the flights. The permit must be carried on board the operator's aircraft while it is operating in U.S. airspace. In conducting the operations authorized by a foreign aircraft permit, the operator must comply with all applicable regulations of the Federal Aviation Administration, including 14 CFR Part 91 of the FAA's rules. The operator is also responsible for complying with all applicable requirements of the U.S. Customs Service and the Immigration and Naturalization Service.

Effect of the NAFTA on Our Procedures

The implementation of the North American Free Trade Agreement, and its provisions relating to the operation of specialty air services, will not alter the basic requirement under Part 375 that operators of foreign civil aircraft obtain a foreign aircraft permit before conducting specialty air services in U.S. airspace. What will change, however, is the process of obtaining that authority. As noted above, the public interest finding the Department must make in order to issue a foreign aircraft permit is based largely on the existence of reciprocity on the part of the applicant's homeland. Under the NAFTA, when implemented, there will be a multilateral agreement between and among the United States, Canada, and Mexico providing that each country will approve (subject to applicable safety rules) applications for the covered specialty air services by operators of the other two, subject to a phase-in period for certain types of operations.

The following chart summarizes the operations covered and the phase-in periods. Note that while the NAFTA provides that both Canada and the United States will allow market access for the other NAFTA partners on the same schedule, it provides that Mexico will allow access to its market on a different schedule.

Phased coverage of specialty air services under the NAFTA (Coverage is effective either upon Entry Into Force (EIF) or the indicated number of years afterward)

<u>Service category</u>	<u>Canadian and U.S. markets</u>	<u>Mexican market</u>
Forest fire management	EIF	EIF
Fire-fighting	EIF	EIF
Glider towing	EIF	EIF
Parachute jumping	EIF	EIF
Aerial advertising	EIF	+3
Aerial mapping	EIF	+6
Aerial surveying	EIF	+6
Aerial photography	EIF	+6
Aerial construction	+2	+3
Heli-logging	+2	+3
Flight training	+3	EIF
Aerial sightseeing	+3	+3
Aerial inspection	+3	+6
Aerial surveillance	+3	+6
Aerial spraying	+6	+6

Once a particular type of specialty air service is covered by the NAFTA, a Canadian or Mexican applicant no longer need demonstrate reciprocity in filing its application--the United States will be obligated under the NAFTA to approve applications for that type of service (just as Canada and Mexico will be obligated to approve a request by a U.S. operator). Thus, a Canadian or Mexican operator seeking authority to conduct a specialty air service covered by the NAFTA would file an application, but would not need to serve its application on any U.S. operators (since reciprocity would not be at issue).

During the phase-in period, operations not yet covered by the NAFTA would still be subject to the traditional application, service, and processing procedures outlined at the beginning of this discussion. In addition, should a Canadian or Mexican operator seek to conduct a specialty air service which does not clearly belong to one of the categories listed in the above chart, we will, if it is similar to a covered service, consider it to fall into that category and be covered (based on the expectation of similar treatment by Canada and Mexico for U.S. operators). If it is not analogous to one of the categories covered by the NAFTA, we will treat the application on the basis of reciprocity, under the traditional (i.e., non-NAFTA) procedures outlined above.

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Subpart A—General

Sec.

- 375.1 Definitions.
- 375.2 Applicability.
- 375.3 (Reserved)

Subpart B—Authorization

- 375.10 Certain foreign civil aircraft registered in ICAO member states.
- 375.11 Other foreign civil aircraft.

Subpart C—Rules Generally Applicable

- 375.19 Nature of privilege conferred.
- 375.20 Airworthiness and registration certificates.
- 375.21 Airmen.
- 375.22 Flight operations.
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- 375.24 Entry and clearance.
- 375.25 Unauthorized operations.
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Subpart D—Authorized Operations

- 375.30 Operations other than commercial air operations.
- 375.31 Demonstration flights of foreign aircraft.
- 375.32 Flights incidental to agricultural and industrial operations outside the United States.
- 375.33 Transit flights, irregular operations.
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- 375.35 Free transportation.
- 375.36 Lease of foreign civil aircraft without crew.

Subpart E—Operations Requiring Specific Preflight Authorization on Filing

- 375.40 Permits for commercial air operations.
- 375.41 Agricultural and industrial operations within the United States.
- 375.42 Transport operations—occasional planeload charters.
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Sec.

Subpart F—Transit Flights.

- 375.50 Transit flights; scheduled international air service operations.

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- 375.60 Penalties.

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- 375.70 Special authorization.

APPENDIX A—FORM 4509

AUTHORITY: 49 U.S.C. 1324, 1372, 1502, 1508.

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 commerce (see section 101 (10) and (23) of the Federal Aviation Act, 49 U.S.C. 1301);

"Category" shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.;

"Commercial air operations" shall mean operations by foreign civil aircraft engaged 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 carriage involving the discharging or taking on of passengers or cargo at one or more points in the United States, including carriage of cargo for the operator's own account if the cargo is to be resold or otherwise used in the furtherance of a business other than the business of providing carriage by aircraft, but excluding operations pursuant to foreign air carrier permits issued under section 402 of the Act, exemptions, and all other operations in air transportation.

"Exemption" means an exemption granted, under section 416(b) of the Act, authorizing air transportation by a foreign 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.

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 privi-

lege of "taking on or discharging passengers, cargo or mail" subject to the right of the State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable. 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 operations only where conditions of reciprocity and the interest of the public in the United States are met. Thus, the operator of any foreign registered aircraft is not entitled as a matter of right to the issuance, renewal or freedom from modification or change in a permit issuable pursuant to this authority. 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 registration certificates.

Foreign civil aircraft shall carry currently effective certificates of registration and airworthiness issued or rendered 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 airworthiness, an effective special flight authorization issued by the Federal Aviation Administration for the operations being performed.

§ 375.21 Airmen.

Members of the flight crew of a foreign civil aircraft shall have in their personal possession valid airman certificates or licenses authorizing them to perform their assigned functions in the aircraft and for the operation involved 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 accordance with the currently applicable rules of the Federal Aviation Administration.

§ 375.23 Maximum allowable weights.

Foreign civil aircraft that are permitted to navigate in the United States on the basis of foreign airworthiness certificates must conform to the limitations on maximum certificated weights prescribed or authorized for the particular variation of the aircraft type, and for the particular category of use, by the country of manufacture of the aircraft type involved.

§ 375.24 Entry and clearance.

All U.S. entry and clearance requirements 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 authorized by § 375.36) shall not be undertaken without a permit issued by the Department.

§ 375.26 Waiver of sovereign immunity.

Owners and operators of aircraft operated under this part that are engaged in proprietary of commercial activities waive any defense of sovereign immunity from suit in any action or proceeding 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 commercial air operations.

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

§ 375.31 Demonstration flights of foreign aircraft.

Flights of foreign civil aircraft within the United States may be made for the purpose of demonstration of the aircraft or any component thereof (including demonstrations at airshows), provided no persons, cargo or mail are carried for remuneration or hire.

§ 375.32 Flights incidental to agricultural and industrial operations outside the United States.

Foreign civil aircraft that are engaged in agricultural or industrial operations to be performed wholly outside the United States may be navigated into, out of, and within the United States in connection with those operations provided that the aircraft is not at the time engaged in the carriage of passengers, cargo, or mail for remuneration or hire.

§ 375.33 Transit flights, irregular operations.

Foreign civil aircraft carrying passengers, property or mail for remuneration or hire, but not engaged in scheduled international air services, are authorized to navigate nonstop across the territory of the United States and to make stops for non-traffic purposes. The navigation of foreign civil aircraft in the United States is not authorized under this section when the elapsed time between landing and takeoff at a stop in the United States exceeds 24 hours and passengers are permitted to leave the airport or when passengers, property or mail are transferred to another aircraft. Flights involving stops under such circumstances may, however, be performed in the case of emergency relating to the safety of the aircraft, passengers, cargo or crew.

§ 375.34 Indoctrination training.

Foreign civil aircraft may be operated in the United States for the purpose of giving indoctrination training in the operation of the aircraft concerned to a buyer or a buyer's employees or designees. This section does not, however, authorize foreign civil aircraft to be used within the United

States for the purpose of flight instruction for remuneration or hire.

§ 375.35 Free transportation.

(a) Foreign civil aircraft may be navigated in the United States by a foreign air carrier for the transportation of persons and property specified in paragraph (b) of this section over the following non-traffic segments provided such transportation is not for compensation or hire:

(1) Between two or more points in the United States;

(2) Between a point in the United States named in the carrier's section 402 permit or exemption, and a point outside the United States not so named, when authorized in accordance with the provisions of Part 216 of this chapter to carry blind sector traffic to or from such unnamed foreign point; and

(3) Between a point in the United States and a point outside thereof when the carrier lands at the United States point for non-traffic purposes in exercise of the privilege granted under the International Air Services Transit Agreement.

(b) Free transportation may be provided under this section for the following categories of persons and property:

(1) Directors, officers and employees, and their parents and immediate families, of the foreign air carrier operating the aircraft;

(2) Directors, officers and employees, and their parents and immediate families, of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement;

(3) Travel agents being transported for the purpose of familiarizing themselves with the carrier's services, if the agents are under no obligation to sell the transporting carrier's services;

(4) Witnesses and attorneys attending any legal investigation in which any such foreign air carrier is involved;

(5) Persons injured in aircraft accidents and physicians and nurses attending such persons;

(6) Any persons or property with the object of providing relief in cases of general epidemic, natural disaster or other catastrophe;

(7) Any person who has the duty of guarding foreign government officials travelling on official business; and

(8) Guests of a foreign air carrier (including members of the press) on delivery flights of newly-acquired or newly-renovated aircraft.

(c) A charge reasonably related to the value of meals and beverages furnished enroute shall not be deemed to constitute compensation or hire for purposes of this section.

§ 375.36 Lease of foreign civil aircraft without crew.

Foreign civil aircraft that are leased without crew to an air carrier or citizen or permanent resident of the United States, and used by the lessee in otherwise authorized air transportation or commercial air operations, may be operated into, out of, and within the United States in accordance with any applicable regulations prescribed by the Federal Aviation Administration.

Subpart E—Operations Requiring Specific Preflight Authorization of Filing

§ 375.40 Permits for commercial air operations.

(a) *Permit required.* Except for aircraft being operated under a foreign air carrier permit, an exemption, or as otherwise provided in Subpart D or H of this part, foreign civil aircraft may engage in commercial air operations only if there is carried on board the aircraft a permit issued by the Department in accordance with this subpart authorizing the operations involved.

(b) Aircraft are not authorized to engage in air transportation under this section. Where an operation involves the carriage of persons, property or mail for compensation or hire, the Department will determine whether particular flights for which a permit is sought will be in common carriage, and therefore in air transportation, based on all the facts and circumstances surrounding the applicant's entire operations. The burden rests upon the applicant in each instance to demonstrate by an appropriate factual showing that the contemplated operation will not constitute

common carriage from, to or within the United States. In general, an applicant that holds itself out to the public, or to a particular class or segment, as willing to furnish transportation for hire is a common carrier.

§ 375.41 Agricultural and industrial operations within the United States.

Foreign civil aircraft shall not be used for such commercial air operations as crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting or similar agricultural or industrial operations within the United States, including its territorial waters and overlying airspace, unless a permit has been issued by the Department and the operation is conducted in accordance with all applicable State and local laws and regulations as well as the applicable provisions of this part.

§ 375.42 Transport operations—occasional planeload charters.

Occasional planeload charters may be authorized where, because of their limited nature and extent, special equipment or facilities utilized, or other circumstances pertaining to them, it appears that they are not within the scope of the applicant's normal holding out of transportation services to the general public. Such charters are normally limited to those in which the entire capacity of the aircraft is engaged by a single charterer, and since they are occasional in nature, should not exceed for any one applicant more than six flights during a calendar year. This part does not authorize operations that involve solicitation of the general public such as is usually involved in the transportation of individually-ticketed passengers or individually-waybilled cargo, or in which the charterer is a travel agent, a charter operator, a broker, an air freight forwarder or any other organization that holds itself out to the general public to provide transportation services. Carriage of cargo for the operator's own account is governed by the provisions of this section if the cargo is to be resold or otherwise used in the furtherance of a business other

than the business of providing carriage by aircraft.

§ 375.43 Application for foreign aircraft permit.

(a) Applications for foreign aircraft permits shall be submitted on OST Form 4509, (Appendix A), in duplicate, addressed to the Chief, Discrete Operations Branch, Licensing Division, P-45, Office of Aviation Operations. Upon a showing of good cause, applications may be made by telegram or by telephone.

(b) Applications shall contain a proper identification (including citizenship) of the applicant (the operator of the aircraft concerned) and of the owner thereof (if different from the applicant), a description of the aircraft by make, model, and registration marks; and a full description of the operations for which authority is desired, indicating type and dates of operations and number of flights, and routing. In the case of cargo flights, the names of all contractors, agents, if any, and the beneficial owner of the cargo, and a description of the cargo and of the proposed operations shall be provided. In the case of passenger flights, a full identification and description of the group chartering the aircraft, and identification of the travel agent, if any, shall be provided. Applications shall also contain a statement as to whether the applicant's homeland allows operators of U.S.-registered aircraft to conduct similar operations.

(c) Applications shall be filed at least 15 days in advance of the proposed commencement date of the operations. The Department may direct the applicant to serve copies of its application on additional persons. Late applications may be considered by the Department upon a showing of good cause.

(d)(1) Any party in interest may file a memorandum supporting or opposing an application. Two copies of each memorandum shall be filed within 7 business days after the application is filed but no later than the proposed commencement date of the operations. Memoranda will be considered to the extent practicable; the Department may act on an application without

waiting for supporting or opposing memoranda to be filed.

(2) Each memorandum shall set forth the reasons why the applications should be granted or denied, accompanied by whatever data, including affidavits, the Department is asked to consider.

(3) A copy of each memorandum shall be served on the applicant.

(e) (1) Unless otherwise ordered by the Department, each application and memorandum filed in response shall be available for public inspection at the Licensing Division of the Office of Aviation Operations immediately upon filing. Notice of the filing of all applications shall be published in the Department's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Department finds that disclosure of all or part of the information should be withheld under applicable provisions of law, and the public interest does not require disclosure, it will order that the injurious information be withheld.

(Approved by the Office of Management and Budget under control number 2106-0002)

§ 375.44 Issuance of permit.

(a) The Department will issue a foreign aircraft permit if it finds that the proposed operations meet the requirements of this part and are in the public interest. Foreign aircraft permits may be conditioned or limited by the Department. Permits must be carried aboard the applicant's aircraft during flight over U.S. territory, and are not transferable.

(3) In determining whether to grant a particular application, the Department will consider, among other factors, the extent to which the country of the applicant's nationality deals with U.S. civil aircraft operators on the basis of substantial reciprocity, and whether the operation is otherwise in the public interest.

§ 375.45 Records and reports of occasional
planeload charters.

(a) *Cargo documents.* The holder of a permit for cargo operations shall issue a manifest or shipping document to its shipper with respect to each shipment.

(b) [Reserved]

(c) *Contents of documents for passenger flights.* The holder of a permit for passenger charters originating or terminating in the United States shall require each charterer to file with it prior to flight a list of names and addresses of all passengers to be transported on each flight.

(d) *Reports of unused authority.* All foreign operators of occasional plane-load charters for which authority is granted must notify the Department, in writing, not later than 15 days after the expiration of their permits, or their failure to use this authority. The unused authority shall otherwise be deemed to have been exercised.

Subpart F—Transit Flights

§ 375.50 Transit flights; scheduled international air service operations.

(a) *Requirement of notice.* Scheduled international air services proposed to be operated pursuant to the International Air Services Transit Agreement in transit across the United States may not be undertaken by foreign civil aircraft unless the operator of such aircraft, and (if other than the operator) the carrier offering such service to the public, has, not less than 30 days prior to the date of commencement of such service, filed a Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement in accordance with the provisions of paragraphs (b) and (c) of this section.

(b) *Filing of the notice.* An original and two copies of the Notice shall be filed with the Chief, Discrete Operations Branch, Licensing Division, P-45, Office of Aviation Operations. Copies of the Notice shall be served upon the Department of State and the Administrator of the Federal Aviation Administration. The filing date shall be the date of actual receipt by the Department.

(c) *Content of notice.* A "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement" shall be clearly labeled as such, and as a minimum shall set forth, with whatever detail may be necessary, the following information:

(1) The name, country or organization, and citizenship of the operator, and, if other than the operator, of the carrier offering the services to the public. If any interest (direct or indirect) in the operator or offeror of services is held by nationals of a country other than the country of organization or citizenship, the nature and extent of such interest must be fully disclosed. If any officer or director of the operator or carrier offering the services is a national of a country other than the country of organization or citizenship, the position of duties of such officer or director, and the officer and director's relevant position in relation to other officers and directors must similarly be fully disclosed. If the information required in this subsection has been previously supplied to the Department, the applicant may incorporate it by reference.

(2) The State of registration of the aircraft proposed to be operated.

(3) A full description of the proposed operations including the type of operations (passenger, property, mail, or combination), date of commencement, duration and frequency of flights, and routing (including each terminal and intermediate point to be served).

(4) A statement as to whether or not any advertisement or publication of the proposed operations has been made in the United States. If there has been any advertisement or publication of the operations in the United States, copies of all such advertisements or publications shall be included.

(5) Any change with respect to these matters (minor changes in schedules or routing excepted) shall also be filed with the Department.

(d) *Authorized operations.* If the operator and the carrier offering services to the public (if different from the operator) have filed a "Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement," at least 30 days before

the date of commencement of the proposed operations in accordance with paragraphs (a), (b), and (c) of this section, the described operations may be commenced and performed without further authorization from the Department, unless and until the Department issues an order notifying the operator and/or the carrier offering the services to the public that, considering the matters submitted in the Notice, the Department is of the view that a question may exist as to whether:

(1) The proposed services are authorized pursuant to the terms of the International Air Services Transit Agreement;

(2) Substantial ownership and effective control are vested in nationals of a State party to the International Air Services Transit Agreement;

(3) The proposed operations will be in compliance with the laws of the United States, the Department's rules, or the provisions of this section; or

(4) The operator or its government have performed their obligations under the International Air Services Transit Agreement.

(e) *Prohibited operations.* If the Department issues an order of notification as described in paragraph (d) of this section, neither the operator, nor the carrier offering the services to the public, shall commence the proposed operations, or, except as may be otherwise specified in the order, operate any flights subsequent to receipt of the order, unless and until the Department issues a foreign aircraft permit pursuant to the provisions of section 1108(b) of the Act and this part specifically authorizing such operations.

(f) *Foreign aircraft permit—application and procedures.* If the Department issues an Order of Notification as described in paragraph (d) of this section, the carrier's Notice of Proposed Transit Flights Pursuant to the International Air Services Transit Agreement shall be treated as an application for the required foreign aircraft permit, and further procedures on such application shall be as directed by the Department.

(g) *Short notice filing.* Nothing in this section shall be construed as precluding the filing of an application for a foreign aircraft permit to perform

transit operations pursuant to the International Air Services Transit Agreement less than 30 days in advance of the proposed operation. No such flights shall be operated, however, unless or until a specific foreign aircraft permit has been issued by the Department.

(h) *Nature of privilege conferred.* Air transportation is not authorized under this section, and the burden rests upon each operator and carrier to show that the proposed operations will not constitute air transportation within the meaning of the Federal Aviation Act. In addition, each operator and carrier has the burden of demonstrating that the proposed operations are authorized by the International Air Services Transit Agreement, and that the appropriate authorization should not be withheld pursuant to Section 5 of Article I thereof. Stopovers for the convenience or pleasure of the passengers are not authorized under this section and stops other than for strictly operational reasons shall not be made. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 or 416(b) of the Act is not authorized by this section. Any authorization or permit granted under this section is nontransferable, and may be withheld, revoked, suspended, withdrawn, or cancelled by the Department, without notice or hearing, if required by the public interest. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Department under § 375.70.

Subpart G—Penalties

§ 375.60 Penalties.

The operation of a foreign aircraft within the United States or over adjacent territorial waters in violation of the provisions of this part constitutes a violation of the Federal Aviation Act and of this chapter, and may, in addition, constitute a violation of the rules of the Federal Aviation Administration. Such operation makes the person or persons responsible for the violation or violations subject to a civil pen-

alty as provided in section 901 of the Act, and to the alteration, amendment, modification, suspension or revocation of any permit issued under this part and of any U.S. certificate involved as provided in section 609 of the Act. Engaging in air transportation as defined in the Act by a foreign aircraft without a foreign air carrier permit issued pursuant to section 402 of the Act or an exemption, or in violation of the terms of such authority constitutes not only a violation of this Part but of Title IV of the Act as well, which entails a criminal penalty as set forth in section 902 of the Act.

Subpart H—Special Authorization

§ 375.70 Special authorization.

Any person desiring to navigate a foreign civil aircraft within the United States other than as specifically provided in this part may petition the Department for a special authorization to conduct the particular flight or series of flights. Such authorization may be issued only if the Department finds that the proposed operation is fully consistent with the applicable law, that the applicant's homeland grants a similar privilege with respect to operators of U.S.-registered aircraft, and that the proposed operation is in the interest of the public of the United States.



U.S. Department of Transportation

APPLICATION FOR FOREIGN AIRCRAFT PERMIT OR SPECIAL AUTHORIZATION UNDER PART 375

(See Instructions On Reverse Side)

DO NOT WRITE—FOR OFFICIAL USE ONLY

Disposition of Applications:

- Approved
- Approved, subject to condition(s) on reverse.
- Disapproved/Dismissed for reason(s) cited on reverse.

Under assigned authority _____

Effective from _____ to _____.

Director, Office of Aviation Operations

Operations pursuant to this authorization shall conform to Part 375 of the Department's Regulations and Part 91 of the Federal Aviation Regulations. THIS PERMIT MUST BE CARRIED ABOARD AIRCRAFT DURING FLIGHT OVER UNITED STATES TERRITORY.

TO: Department of Transportation
Licensing Division, P-45
Office of Aviation Operations
Washington, D.C. 20590

1. Name and address of applicant: (operator)

Nationality:

2. Send authorization to:
a. Name and address:

b. Telephone:

3. Aircraft make, model, and registration or identification marks:

4. Country in which aircraft is registered:

5. Name and address of registered owner of aircraft:

6. Name and address of contractor/charterer:

7. Dates of flights:

8. Planned routing of flights (Indicate non-traffic stops by asterisks):

9. Description of operations (see Instructions) (Check one):
Passenger Cargo

Agricultural or Industrial operation

10. Does the nation which is the domicile of the applicant grant to United States carriers a privilege similar to that requested herein? _____; If so, has the fact of such reciprocity been established with the Department? _____ If the fact has not been established with the Department, provide documentation to establish such reciprocity.

11. If application is being filed late, state reasons for lateness:

12. Other information requested by the Department:

CERTIFICATION

I hereby certify that the flights for which authority is sought herein conform to the requirements of the applicable regulations and orders of the Department of Transportation.

(Date)

(Signature and title of authorized officer)

INSTRUCTIONS

1. Prepare an original and one copy of this application according to Section 375.43 of the Department's Regulations. If extra space is required to complete an item, continue on a separate sheet of paper.
2. Under Item 9:
 - (a) For passenger flights, provide full identification or description of group contracting for charter, and name and address of travel agent, if any.
 - (b) For cargo flights, provide the names of all contractors, description of cargo, beneficial owner of cargo, and provide a full description of the proposed operation including nature of any service to be performed by any exporter, importer, or transportation agent.
 - (c) For agricultural or industrial operations, describe area involved and purpose of operations.
3. Send the application to: Department of Transportation, Licensing Division, P-45, Office of Aviation Operations, Washington, D.C. 20590.
4. See Part 91 of Federal Aviation Regulations and 375 of the Department's Regulations (14 CFR 91 and 14 CFR 375) for a full statement of the rules respecting navigation of foreign civil aircraft within the United States.

DO NOT WRITE—FOR OFFICIAL USE ONLY

Exercise of the authorization is subject to the following condition(s):
OR Application is disapproved/dismissed for the following reason(s):

ATTACHMENT "G"

CONTACTS - U.S.

U.S. GOVERNMENT

NAFTA APPLICATIONS ("Part 375" permits)

Mr. George Wellington (Chief),
Ms. Barbara Cameron,
Foreign Air Carrier Licensing Division,
P-45, Office of International Aviation,
U.S. Department of Transportation,
Washington D.C., U.S.A.
Tel: (202) 366-2398
Fax: (202) 366-3694

FAA

Mr. John M. Wensel
Aviation Safety Inspector
Federal Aviation Administration
Washington H.Q.
Tel: (202) 267-7771

CUSTOMS

NAFTA Help Desk
U.S. Customs Service
1301 Constitution Avenue, N.W., Room 1325
Washington D.C. 20229
Tel: (202) 927-0066
Fax: (202) 927-0097

(For technical assistance on U.S. customs laws and the NAFTA, as they relate to goods imported into the United States--available Monday-Friday; 8:00 a.m.-5:00 p.m. EST.)

U.S. EMBASSIES AND CONSULATES IN CANADA

U.S. Embassy
100 Wellington St.
Ottawa
Tel: (613) 238-5335
Fax: (613) 238-8750
Consular Section
85 Albert St., Ottawa
Tel: (613) 238-8968

Canadian Embassy and
Consulates in the
United States

United States of America

Washington

Canadian Embassy

Street Address:
501 Pennsylvania Avenue, N.W.,
Washington, D.C. 20001,
U.S.A.

Mailing Address: (same as above)

Cable: CANADIAN WASHINGTON
Tel: (202) 682-1740
Telex: 0089664 (DOMCAN A WSH)
Fax: (202) 682-7726

Office Hours: Mon-Fri: 0830-1700

Major Holidays (observed in the U.S.A.):
(1993/94) Dec 27-28; Jan 3, Apr 1,
May 30, July 1-4, Sept 5, Oct 10,
Nov 24, Dec 26-27

Time Difference (E.S.T.): 0

Mr. Raymond Chrétien
Ambassador

Mr. Robert Wright
Minister (Economic)
Mr. Denis Comeau
Minister-Counsellor (Commercial)

Defence Programs

Mr. David Buxton
Counsellor (Defence Production)
Mr. Richard Malloy
Commercial Officer

Trade and Investment Development

Territory: District of Columbia,
Virginia, Maryland, Delaware, and
Eastern Pennsylvania

Mr. Peter Drabble
First Secretary (Commercial)
Mr. David Weiner
Second Secretary (Commercial)
Mr. Manuel Ellenbogen
Commercial Officer
Mrs. Cynthia Stevenson
Commercial Officer

Federal Government Procurement (Non-Defence)

Ms. Judith A. Bradt
Commercial Officer

Tourism Section

Ms. Susan Iris
Program Manager
Mr. Frank LaFlèche
Commercial Officer
Ms. Beth McAlexander
Commercial Officer

Market Access (Customs, FDA)

Ms. Hélène Belleau
Commercial Officer

Office for Liaison with International Financial Institutions

Mr. David Brown
Counsellor (Commercial)
Ms. Véronique Marier
Commercial Officer
Ms. Connie Connor
Commercial Officer

Trade Commissioner Service Abroad

Philadelphia

Canadian Government Trade Office
GSB Building, Suite 611
One Belmont Avenue
Bala Cynwyd, Pa. 19004

Tel: (215) 667-8210/697-1264
Fax: (215) 667-8148

Mr. Georges Lemieux
Consul and Trade Commissioner
Ms. Lydia Markiw
Program Assistant

Atlanta

Canadian Consulate General

Street Address:
Suite 400 South Tower,
One CNN Center,
Atlanta, Georgia 30303-2705, U.S.A.

Mailing Address: (same as above)

Tel: (404) 577-6810/577-1512
Telex: 054-3197 (DOMCAN ATL)
Fax: (404) 524-5046

Territory: Alabama, Florida, Georgia,
Mississippi, North Carolina, South
Carolina, Tennessee; Other: Puerto
Rico, U.S. Virgin Islands

Office Hours: Mon-Fri: 0830-1645

Time Difference (E.S.T.): 0

Mr. James A. Elliott
Consul General

Mr. James E. Graham
Deputy Consul General and
Senior Trade Commissioner

Commercial Division

Mr. Nigel Godfrey
Consul and Trade Commissioner

Mr. David Peippo
Vice-Consul and Assistant Trade
Commissioner

Mr. Rafael (Ray) A. Munoz
Commercial Officer

Mr. John F. Alexander
Commercial Officer

Mr. Steven A. Flamm
Commercial Officer

Mr. William B. Stolz
Commercial Officer

Tourism Division

Ms. Mary Louise Goodie
Tourism Manager

Mr. Steve Felahis
Commercial Officer

Miami

Canadian Government Trade Office,
First Union Center, 16th Floor,
200 South Biscayne Blvd.,
Miami, Florida 33131

Tel: (305) 372-2352
Fax: (305) 374-6774

Mr. Douglas I. Campbell
Consul and Trade Commissioner

Vacant
Commercial Officer (Trade)

Ms. Barbara Bach
Commercial Officer (Tourism)

San Juan

Canadian Government Trade Office,
Plaza Scotiabank,
6th Floor, 273 Ponce de Leon Avenue,
San Juan, Puerto Rico 00917

Tel: (809) 250-0367
Fax: (809) 250-0369

Mr. Gerald Milot
Consul and Trade Commissioner

Boston

Canadian Consulate General

Street Address:
Three Copley Place, Suite 400,
Boston, Massachusetts 02116, U.S.A.

Mailing Address: (same as above)

Tel: (617) 262-3760
Telex: 94-0625 (DOMCAN BSN)
Fax: (617) 262-3415

Territory: Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont;
Other countries: Saint-Pierre-et-
Miquelon

Office Hours: Mon-Fri: 0845-1700

Time Difference (E.S.T.): 0

Mr. Donald W. Cameron
Consul General

Mr. Terence W. Colfer
Deputy Consul General and
Senior Trade Commissioner

Commercial Division

Mr. Christopher Thornley
Vice-Consul and Assistant Trade
Commissioner

Mr. Michael Rooney
Vice-Consul and Assistant Trade
Commissioner

Mr. Martin Robichaud
Commercial Officer

Vacant
Commercial Officer

Mr. Jack McManus
Commercial Officer

Mr. John Macario
Technology Development Officer

Ms. Christine Sarkisian
Commercial Officer

Tourism Division

Mr. Ralph Johansen
Senior Tourism Officer

Ms. Janet Aiton
Commercial Officer

Ms. Candee Treadway
Commercial Officer

Buffalo

Canadian Consulate General

Street Address:
One Marine Midland Center,
Suite 3000,
Buffalo, New York 14203-2884, U.S.A.

Mailing Address: (same as above)

Tel: (716) 852-1247
Telex: Easylink 62014371 (DOMCAN
BUF)
Fax: (716) 852-4340

Territory: Western, Central and
Upstate New York, West Virginia,
Western Pennsylvania

Office Hours: Mon-Fri: 0830-1630

Time Difference (E.S.T.): 0

Mr. Robert B. Mackenzie
Consul General

Commercial Division

Mr. Jean-Guy Tardif
Consul and Senior Trade
Commissioner

Ms. Marcia M. Grove
Commercial Officer

Trade Commissioner Service Abroad

Ms. Mary E. Mokka
Commercial Officer

Mr. Jay Mileham
Commercial Officer

Ms. Renee A. Lazarz
Commercial Officer
(NEBS Co-ordinator)

Tourism Division

Ms. Lynn Niederlander
Commercial Officer

Pittsburgh

Canadian Government Trade Office,
One Gateway Center, 9th Floor,
South Wing,
Pittsburgh, Pa. 15222

Tel: (412) 392-2308

Fax: (412) 392-2317

Mr. Ronald J. McLeod
Consul and Trade Commissioner

Ms. Cynthia Lamb
Commercial Officer (Trade)

Ms. Viola R. Boehm
Commercial Officer (Tourism)

Ms. Karen L. Willhite
Commercial Officer

Ms. Natalie E. Cornell
Commercial Officer

Mr. David A. Koelliker
Commercial Officer

Mr. Matthew E. Share
Commercial Officer

Ms. Marci D. Buettgen
Investment Officer

Vacant
Commercial Officer

Tourism Division

Mr. Bas Bouma
Program Manager

Mr. Larry E. Kogut
Tourism Officer

Mr. Ross E. Ament
Tourism Officer

Vacant
Tourism Officer

Dallas

Canadian Consulate General

Street Address:
St. Paul Place, Suite 1700,
750 N. St. Paul Street,
Dallas, Texas 75201,
U.S.A.

Mailing Address: (same as above)

Cable: CANADIAN DALLAS
Tel: (214) 922-9806
Telex: 00732637 (DOMCAN DAL)
Fax: (214) 922-9815

Territory: Arkansas, Kansas (except
Kansas City and Lawrence),
Louisiana, New Mexico, Oklahoma,
Texas

Office Hours: Mon-Fri: 0830-1700

Time Difference (E.S.T.): -1

Mr. J.E.G. (Ted) Gibson
Consul General

Mr. Warren M. Maybee
Consul and Senior Trade
Commissioner

Commercial Division

Mr. Marcel Saucier
Consul and Trade Commissioner

Ms. Joanne E. Kirby
Commercial Officer

Mr. A. Gordon MacLennan
Commercial Officer

Mr. J.J. Mingori
Commercial Officer

Ms. Nancy J. Mayeux
Commercial Officer

Tourism Division

Ms. Judith Love Rondeau
Tourism Section Manager

Ms. Sally Ellis Morris
Tourism Promotion Officer

Ms. Sandi Galloway
Tourism Promotion Officer

Detroit

Canadian Consulate General

Street Address:
600 Renaissance Center,
Suite 1100,
Detroit, Michigan 48243-1798, U.S.A.

Mailing Address: (same as above)

Cable: CANADIAN DETROIT
Tel: (313) 567-2085
Telex: 23-0715 (DOMCAN DET)
Fax: (313) 567-2164

Territory: Indiana, Kentucky,
Michigan, Ohio

Office Hours: Mon-Fri: 0830-1630

Time Difference (E.S.T.): 0

Ms. M. Anne Charles
Consul General

Commercial Division

Mr. Nick J. DellaValle
Consul and Senior Trade
Commissioner

Mr. Ben Gailor
Consul and Trade Commissioner

Mr. Ralph Reich
Commercial Officer

Mr. Ron Biddle
Commercial Officer

Ms. Anne Cascadden
Commercial Officer

Ms. Margaret Baxter
Commercial Officer

Chicago

Canadian Consulate General

Street Address:
Two Prudential Plaza,
180 N. Stetson Avenue, Suite 2400,
Chicago, Illinois 60601, U.S.A.

Mailing Address: (same as above)

Cable: DOMCAN CHICAGO
Tel: (312) 616-1860
Telex: 00254171 (DOMCAN CGO)
Fax: (312) 616-1877

Territory: Illinois, Missouri,
Wisconsin

Office Hours: Mon-Fri: 0830-1630

Time Difference (E.S.T.): -1

Mr. G. Douglas Valentine
Consul General

Mr. Gary P. Scott
Deputy Consul General and
Senior Trade Commissioner

Commercial Division

Ms. Cathy M. Patton
Consul and Trade Commissioner

Trade Commissioner Service Abroad

Tourism Division

Mr. Martin M. Rice
Senior Commercial Officer

Ms. Heather Phelps
Commercial Officer

Ms. Kim Pare
Commercial Officer

Cincinnati

Canadian Government Trade Office,
250 East Fifth Street, Suite 1120,
Cincinnati, Ohio 45202

Tel: (513) 762-7655
Fax: (513) 762-7802

Mr. Jacques H. Desjardins
Consul and Trade Commissioner

Mr. Steve Pickens
Commercial Officer

Mr. Joe Wellman
Commercial Officer (Tourism)

Cleveland

Canadian Government Trade Office,
2100 Terminal Tower,
50 Public Square,
Cleveland, Ohio 44113-2204

Tel: (216) 771-0150
Fax: (216) 771-1688

Mr. Michael G. Virr
Consul and Trade Commissioner

Mr. Joseph M. Mikula
Commercial Officer

Wright Patterson AFB

Canadian Government Defence
Trade Office
MCLDDP Building 11A,
1970 Third Street,
Room 144, Site 6,
Wright Patterson AFB, Ohio
45433-7213

Tel: (513) 255-4382
Fax: (513) 255-1821

Mr. Robert Webb
Vice-Consul and Trade
Commissioner

Los Angeles

Canadian Consulate General

Street Address:
300 South Grand Avenue,
10th Floor,
California Plaza,
Los Angeles, California 90071, U.S.A.

Mailing Address: (same as above)

Tel: (213) 687-7432
Telex: 00674657 (DOMCAN LSA)
Fax: (213) 620-8827

Territory: Arizona, California (10
southern counties), Clark County in
Nevada

Office Hours: Mon-Fri: 0830-1630

Time Difference (E.S.T.): -3

Vacant
Consul General

Mr. Allan S. Poole
Deputy Consul General and
Senior Trade Commissioner

Commercial Division

Mr. Doug Paterson
Consul and Trade Commissioner

Ms. Maria Bernard
Vice-Consul and Assistant Trade
Commissioner

Mr. Bernard E. Brandenburg
Commercial Officer

Mr. Carl W. Light
Commercial Officer

Mr. S. George Simon
Commercial Officer

Mr. Michael Pascal
Commercial Officer

Investment Division

Mr. Matthew Fischer
Consul and Senior Investment
Advisor

Mr. Eric Nielsen
Investment Assistant

Tourism Division

Mr. John Rasmussen
Program Manager

Ms. Jennifer Ruddick-Clark
Commercial Officer

Mrs. Monica M. Campbell-Hoppé
Commercial Officer

Mr. Michael Zaretsky
Commercial Officer

San Diego

Canadian Government Trade Office,
4370 LaJolla Village Drive,
Suite 600,
San Diego, Ca. 92122

Tel: (619) 546-4467
Fax: (619) 457-2844

Mr. Marc LePage
Consul and Trade Commissioner

Vacant
Commercial Officer (Trade)

San Francisco

Canadian Government Trade Office,
50 Fremont Street, Suite 1825,
San Francisco, Ca. 94105

Tel: (415) 543-2550
Fax: (415) 512-7671

Mr. David McNamara
Consul and Senior Trade
Commissioner

San Jose

Canadian Government Trade Office,
333 West San Carlos Street,
Suite 945,
San Jose, Ca. 95110

Tel: (408) 289-1157
Fax: (408) 289-1168

Mr. Cameron Miller
Consul and Trade Commissioner

Mr. Michael Siewecke
Vice-Consul and Assistant Trade
Commissioner

Ms. Jeanie Weaver
Commercial Officer (Trade)

Ms. Sara Aujla
Trade Assistant

Minneapolis

Canadian Consulate General

Street Address:
Suite 900, 701 Fourth Avenue South,
Minneapolis, Minnesota
55415-1899, U.S.A.

Mailing Address: (same as above)

Tel: (612) 333-4641
Telex: 29-0229 (DOMCAN MPS)
Fax: (612) 332-4061

Territory: Colorado, Iowa, Minnesota,
Montana, Nebraska, North Dakota,
South Dakota, Wyoming

Trade Commissioner Service Abroad

Office Hours: Mon-Fri: 0830-1700

Time Difference (E.S.T.): -1

Mr. Brian Buckley
Consul General

Mr. Robert C. Lee
Consul and Senior Trade
Commissioner

Commercial Division

Mr. Peter B. Aikat
Vice-Consul and Assistant Trade
Commissioner

Ms. Margaret L. Mearns
Commercial Officer

Mr. Charles W. McGriff
Commercial Officer

Ms. Dana S. Boyle
Commercial Officer

Ms. Lisa L. Swenson
Commercial Officer

Tourism Division

Mr. Stephen W. Dowling
Tourism Marketing Manager

Mr. Ernest P. Konstas
Commercial Officer

New York

Canadian Consulate General

Street Address:

1251 Avenue of the Americas,
New York City, New York
10020-1175, U.S.A.

Mailing Address: (same as above)

Cable: CANTRACOM NEW YORK
CITY

Tel: (212) 596-1600

Telex: 62014481 (DOMCAN NY)

Fax: (212) 596-1793

Territory: Connecticut, New Jersey,
southern New York State
Other countries: Bermuda

Office Hours: Mon-Fri: 0900-1700

Time Difference (E.S.T.): 0

Mr. Alan W. Sullivan
Consul General

Mr. David G. Ryan
Deputy Consul General

Commercial Division

Ms. Abina M. Dann
Consul and Senior Trade
Commissioner

Mr. J. Normand Guerin
Consul and Trade Commissioner

Mr. Donald L. Russell
Commercial Officer

Mr. Richard Campanale
Commercial Officer

Ms. Susan D. Rich
Commercial Officer

Mr. Donald H. Garretson, Jr.
Commercial Officer

Ms. Mary Allan
Commercial Officer

Investment and Economic Division

Mr. Elden Schorn
Consul and Senior Investment
Advisor

Mr. Pierre Bergeron
Consul and Trade Commissioner

Ms. Catherine Barclay
Investment Program Officer

Vacant
Financial/Economic Program Officer

Tourism Division

Mr. Harvey P. Davidson
Tourism Program Manager

Ms. Patricia Boyer
Commercial Officer

Ms. Fionnuala Hodgins
Commercial Officer

Ms. Lois Gerber
Commercial Officer

Princeton

Canadian Government Trade Office,
90 Westcott Road,
Princeton, N.J. 08540

Tel: (609) 452-0777

Fax: (609) 452-0792

Ms. Brigitte Léger
Consul and Trade Commissioner

Seattle

Canadian Consulate General

Street Address:

412 Plaza 600,
Sixth and Stewart Streets,
Seattle, Washington 98101-1286,
U.S.A.

Mailing Address: (same as above)

Tel: (206) 443-1777

Fax: (206) 443-1782

Territory: Alaska, Idaho, Oregon,
Washington

Office Hours: Mon-Fri: 0800-1630

Time Difference (E.S.T.): -3

Mr. Bernard A. Gagosz
Consul General

Mr. Robin O. MacNab
Consul and Senior Trade
Commissioner

Commercial Division

Mr. Ron Merrick
Consul and Trade Commissioner

Mr. Douglas D. McCracken
Commercial Officer

Mrs. M. Jane Hardessen-Shaw
Commercial Officer

Mr. Fredrick J. Babis
Commercial Officer

Mr. James P. Sheehan
Commercial Officer

Tourism Division

Mr. Robert (Bob) Brown
Tourism Program Manager

Mr. Ken Erickson
Tourism Commercial Officer

Ms. Jill Seidel
Meetings and Conventions Specialist

Ms. Hilda Cullen
Media Commercial Officer

U.S. Virgin Islands

see United States (Atlanta)

U.S. Consulates

Calgary:

615 Macleod Trail S.E.,
Room 1050
Tel: (403) 266-8962

Halifax:

Suite 910, Cogswell Tower
Scotia Square
Tel: (902) 429-2480

Montréal:

455 René Lévesque Blvd
Tel: (514) 281-1886

Québec:

1 Ste. Genevieve St
2 Place Terrasse Dufferin
Tel: (418) 692-2095

Toronto:

360 University Ave
Tel: (416) 595-1700

Vancouver:

1075 West Georgia Street
Tel: (604) 685-4311

ATTACHMENT "H"

CONTACTS -- MEXICO

TRANSPORTATION MINISTRY

Ministry of Communications and Transport
Directorate General of Civil Aeronautics
International Air Transport Section
Providencia No. 807, 2o. Piso
Col. del Valle
Delegación Benito Juárez
03100 Mexico City

NAFTA APPLICATIONS

Capitan P.A. Alfonso Jones Kleinert
Director Tecnico y de Supervision
Providencia 807 - 4° piso
Col. del Valle C.P. 03100
Mexico D.F.

Tel. (525) 687-7680
523-6740

Fax. (525) 523-4751

CANADIAN EMBASSY

Mr. Donald MacKay
First Secretary (Commercial)
Calle Schiller No. 529
Colonia Rincon del Bosque
11580 Planco, Mexico, Mexico
Tel. (011-525) 724-7900
Fax. (011-525) 724-7982

MEXICAN GOVERNMENT OFFICES

The Embassy of Mexico, Mexican Trade Commission in Canada, and Mexican Consulates can provide information and guidance to Canadian exporters in need of information about doing business in Mexico.

Embassy of Mexico
100 Albert Street, Suite 1000
Ottawa, Ontario K1P 6E2
Tel: (613) 231-5300
Fax: (613) 231-5132

Mexican Consulate in Ottawa
Tel: (613) 231-2752

SCOPE

1400 Jean Jacques Blvd
Ottawa, Ontario K1P 6K4
Tel: (613) 231-7702
Fax: (613) 231-7702

Other Mexican Government Offices in Canada

Consulate General
1000, rue Montreuil
Suite 1000
Montreal, Que. H3A 4B2
Tel: (514) 393-2222
Fax: (514) 393-2222

Canadian Consulate of Mexico
60 River Street West
Suite 500
Toronto, Ontario M5E 1A2
Tel: (416) 977-2222
Fax: (416) 977-2222

Consulate General of Mexico
210-110 West Beaver Creek
Vancouver, B.C. V6E 4A6
Tel: (604) 261-2222
Fax: (604) 261-2222

Mexican Consulate General
200, Grande Allée Est
Suite 1001
Ottawa, Que. K1P 6M1
Tel: (613) 231-2752

Mexican Consulate General
200, Grande Allée Est
Suite 1001
Ottawa, Que. K1P 6M1
Tel: (613) 231-2752
Fax: (613) 231-2752

Foreign Affairs Trade Directorate of Mexico - Montreal
1000, rue Montreuil
Suite 1000
Montreal, Que. H3A 4B2

Embassy of Mexico
100 Albert Street, Suite 1000
Ottawa, Ontario K1P 6E2

MEXICAN BANKING OFFICES IN CANADA

Banking offices abroad offer specialized services for those working in the business of Mexico. Creditors provide for import, export and project financing. Commercial banks focus on banking and legal aspects of commercial transactions. Brokers also provide trade fair, international arbitrators and trade missions.

Banking
Trade Commission of Mexico
100, rue St-Jacques 2100
TD Bank Tower
10 The Winged Globe
Toronto, Ont. M5X 1A1
Tel: (416) 593-2222
Fax: (416) 593-2222

Banking
Trade Commission of Mexico
100, rue St-Jacques
Tel: (416) 593-2222
Fax: (416) 593-2222

Banking
Trade Commission of Mexico
100, rue St-Jacques
Tel: (416) 593-2222
Fax: (416) 593-2222

Business and Trade Offices are located in major cities where the majority of exports through their territories and international waters. The offices are organized in a comprehensive and professional manner, with a focus on providing professional services and work through the world. They are organized in a comprehensive and professional manner, with a focus on providing professional services and work through the world.

Mexican Consulate General in Mexico
Suite 1000
100, rue St-Jacques
Tel: (416) 593-2222
Fax: (416) 593-2222

Banking
Trade Commission of Mexico
100, rue St-Jacques
Tel: (416) 593-2222
Fax: (416) 593-2222

MEXICO CAA ADDRESS LIST

MEXICAN GOVERNMENT OFFICES

The Embassy of Mexico, Mexican Trade Commissioners in Canada, and Mexican Consulates can provide assistance and guidance to Canadian companies in need of information about doing business in Mexico.

Embassy of Mexico
130 Albert Street, Suite 1800
Ottawa, Ontario K1P 5G4
Tel: (613) 233-8988
Fax: (613) 235-9123

Mexican Consulate in Ottawa
Tel: (613) 235-7782

SECOFI
130 Albert Street, Suite 1700
Ottawa, Ontario K1P 5G4
Tel: (613) 235-7782
Fax: (613) 235-1129

Other Mexican Consulates General in Canada

Consulate General of Mexico
2000, rue Mansfield
Suite 1015
Montréal, Qué. H3A 2Z7
Tel: (514) 288-2502/288-4916
Fax: (514) 288-8287

Consulate General of Mexico
60 Bloor Street West
Suite 203
Toronto, Ontario M4W 3B8
Tel: (416) 922-2718/3196
Fax: (416) 922-8867

Consulate General of Mexico
810-1139 West Pender Street
Vancouver, B.C. V6E 4A4
Tel: (604) 684-3547/1859
Fax: (604) 684-2485

Mexican Honorary Consulate
380, Chemin St. Louis
No. 1407
Québec, Qué. G1S 4M1
Tel: 418-681-3192

Mexican Honorary Consulate
830-540 5th Avenue, S.W.
Calgary, Alta. T2P 0M2
Tel: 403-263-7077/7078
Fax: 403-263-7075

For the Mexican Trade Commission offices in Montreal, Toronto and Vancouver see the following listing for Bancomext.

MEXICAN BANKS WITH OFFICES IN CANADA

Bancomext offers credits, export guarantees and counselling services for those seeking to do business in Mexico. Credits are available for export, import and project financing. Counselling covers fiscal, financial, marketing and legal aspects of commercial transactions. Bancomext also sponsors trade fairs, international exhibitions and trade missions.

Bancomext
Trade Commission of Mexico
P.O. Box 32, Suite 2712
TD Bank Tower
66 Wellington Street
Toronto, Ont. M5K 1A1
Tel: (416) 867-9292
Fax: (416) 867-1847

Bancomext
Trade Commission of Mexico
200 Granville Street
Suite 1365
Vancouver, B.C. V6C 1S4
Tel: (604) 682-3648
Fax: (604) 682-1355

Bancomext
Trade Commission of Mexico
1501 McGill College
Suite 1540
Montréal, Qué. H3A 3M8
Tel: (514) 287-1669
Fax: (514) 287-1844

Banamex and Banca Serfin are private sector banks which offer specialized services through their international trade information centres. The centres participate in a computerized communications network with access to numerous economic, governmental and financial data bases throughout the world. These banks are located throughout Mexico, and maintain offices in Toronto.

Banamex (Banco Nacional de México)
Suite 3430
1 First Canadian Place
P.O. Box 299
Toronto, Ont. M5X 1C9
Tel: (416) 368-1399
Fax: (416) 367-2543

Banca Serfin
161 Bay Street
BCE Place
Canada Trust Tower
Suite 4360
P.O. Box 606
Toronto, Ont. M5J 2S1
Tel: (416) 360-8900
Fax: (416) 360-1760



CANADIAN GOVERNMENT DEPARTMENTS AND SERVICES IN MEXICO

COMMERCIAL DIVISION THE EMBASSY OF CANADA IN MEXICO

The Commercial Division of the Canadian Embassy in Mexico can provide vital assistance to Canadians venturing into the Mexican market. The trade commissioners are well informed about the market and will respond in whatever measure possible to support a Canadian firm's presence in Mexico.

Note: to telephone México, D.F. dial: 011-52-5 before the number shown below, for contacts in other cities in Mexico, consult the international code listing at the front of your local telephone directory for the appropriate regional codes.

Commercial Division
The Embassy of Canada in Mexico
Schiller No. 529
Col. Polanco
Apartado Postal 105-05
11560 México D.F.
México
Cable: Canadian Mexico City
Tel: 724-7900
Telex: (22) 117-1191 (DMCNE)
Fax: 724-7982

Canadian Consulate
Edificio Kalos, Piso C-1
Local 108A
Zaragoza y Constitucion
64000 Sur Monterrey
México
Tel: 443-200
Fax: 443-048

KEY CONTACTS IN MEXICO

MEXICAN GOVERNMENT*

Secretariat of Budget & Programming
Secretaría de Programacion y Presupuesto
Palacio Nacional Patio de Honor, Piso 4
Col. Centro
06740 México, D.F.
México
Tel: 542-8762/8763
Fax: 542-1209
Information Department: 286-1000/1900

Secretariat for Commerce and Industrial Promotion
Secretaría de Comercio y Fomento Industrial
Dirección General de Servicios al Comercio Exterior
Alfonso Reyes No. 30 Piso 10
Col. Hipódromo de la Condesa
06170 México, D.F.
México
Tel: 286-1757
Fax: 286-1543

Secretariat of Health
Secretaría de Salud
Dirección General de Control Sanitario de Bienes y Servicios
Licja No. 7 Piso 1
Col. Juárez
06600 México, D.F.
México
Tel: 553-7670/7940
Fax: 286-5497

Secretaría de Agricultura y Recursos Hidráulicos
Dirección General de Sanidad Vegetal
Dr. Pérez Valenzuela No. 127 Piso 2
Col. Coyoacán
04110 México, D.F.
México
Tel: 554-0512
Fax: 554-0529

Secretariat of Finance and Public Credit
Secretaría de Hacienda y Crédito Público
Dirección General Técnica de Ingresos
Palacio Nacional
1er. Patio Mariano
Col. Centro
06066 México, D.F.
México
Tel: 518-5420 through 29
Fax: 542-2821

ASSOCIATIONS OF CUSTOMS BROKERS IN MEXICO

Asociaciones de Agentes Aduanales de Acapulco, Grc
Calz. Costera Miguel Alemán No. 364
C.P. 39300
Acapulco, Gro.
México
Tel: 91-748, 22-268, 33-554
Fax: 375-52

*to dial from Canada to Mexico 011-52 + city code



Asociación de Agentes Aduanales de Mazatlan, Sin.
Av. Alemán y Emilio Barragán S/N
82000 Mazatlan, Sin.
Apdo. Postal No. 84
México
Tel: 2-23-22, 2-73-20, 2-57-12

Asociación de Agentes Aduanales de Mexicali, B.C.
Av. Aguascalientes y Acapulco No. 1400
Col. Pueblo Nuevo
21120 Mazatlan, B.C.
México
Tel: 91(65), 52-63-30, 52-82-20
Fax: 52-92-70

Asociación de Agentes Aduanales de Nogales, Son.
Carretera Internacional y Periférico
Locales 6 y 9
82000 Nogales, Son.
Apdo. Postal No. 82
México
Tel: 30-300, 30-056, 30-700
Fax: 30-717

Asociación de Agentes Aduanales de Nuevo Laredo,
Tamaulipas
Mendoza No. 1027
88000 Nuevo Laredo, Tamps.
Apdo. Postal 77
México
Tel: 2-31-31, 2-05-18
Fax: 723-7740

Asociación de Agentes Aduanales de Monterrey,
Nuevo León
UNAM No. 828
Col. Villa Universidad
San Nicolás de las Garzas, N.L.
66420 Monterrey
México
Tel: 76-22-04, 76-17-44, 76-60-53
Fax: 32-09-80

Asociación de Agentes Aduanales de Ojinaga,
Chihuahua
Zaragoza y Bolívar No. 400
32800 Ojinaga, Chihuahua
Apdo. Postal 36
México
Tel: 3-11-21, 3-10-61

Asociación de Agentes Aduanales de Piedras Negras,
Coahuila
Zaragoza Sur No. 400
26000 Piedras Negras, Coah.
Apdo. Postal 67
México

Tel: 2-01-23, 2-02-08, 2-04-62
Fax: 2-56-39

Asociación de Agentes Aduanales de Progreso,
Yucatan
Calle 27 No. 126-K 26
97320 Progreso, Yucatan
Apdo. Postal 19
México
Tel: 91(993) 5-00-31
Fax: 5-11-79

Asociación de Agentes Aduanales de Querétaro, Qro.
Luis Pasteur Sur No. 41
76000 Querétaro, Qro.
México
Tel: 91(463) 2-83-42, 4-47-86
Fax: 2-83-11

Asociación de Agentes Aduanales de Reynosa,
Tamaulipas
Alvaro Obregón y Ortiz Rubio
88550 Reynosa, Tamps.
Apdo. Postal 199
México
Tel: 91(892) 2-10-22, 2-09-74, 2-15-55
Fax: 2-89-97

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ATTACHMENT "I"

MEXICO: INFORMATION KIT AND APPLICATION PROCEDURES

(provided by the Government of Mexico)

SPECIALIZED AIR SERVICES

CLARIFICATION NOTE

The information set out in this Manual is intended to familiarize the pertinent organizations in Canada and the United States (plus their air carriers) with Mexican aviation provisions and is based on our regulations governing private air services, of which specialized air services are a part.

MEXICAN COVERAGE OF SPECIALIZED AIR SERVICES IN THE NORTH AMERICAN FREE TRADE AGREEMENT

The specialized air services mentioned in Mexico's List under the NAFTA are the following:

- Training flights
- Forest fire control
- Fire fighting
- Pulling gliders
- Parachuting
- Air advertising
- Sightseeing trips
- Aircraft-assisted construction
- Transportation of timber
- Inspection or monitoring of stationary objects
- Orographic surveying
- Aerophotography
- Aerotopography
- Fumigation

General requirement

A temporary permit issued by the Ministry of Communications and Transport is required to provide any specialized air service in Mexico. This permit may be renewed.

ENTRY INTO MEXICO OF FOREIGN AIRCRAFT ON CHARTER FLIGHTS AT THE REQUEST OF THE USER

Specialized air services are subject to the provisions of the General Communications Act (hereinafter referred to as "the Act") governing private-service aircraft.

In accordance with Article 340 of Chapter XII, "Private Air Services" of the Act, the following are private-service aircraft:

- a) aircraft used by the owner for recreation or private business;

- b) aircraft used to carry out work such as aerophotography, aerotopography, commercial advertising and for other similar purposes;
- c) aircraft used for the private service of a company;
- d) aircraft used for scientific purposes such as crop dusting, rainmaking, educational flights and other similar purposes;
- e) aircraft belonging to private flight schools (instruction and training).

Article 341 states that the operation of private-service aircraft is subject to the following rules:

- I. Obtaining the corresponding licences and certificates of flightworthiness shall be sufficient to operate private-service aircraft used exclusively for the private business or recreation of their owners;
- II. Private-service aircraft must be manned by the appropriate technical flight personnel;
- III. The owners of private-service aircraft used for work carried out in the air, the private service of a company, scientific applications or teaching must obtain permits from the Ministry of Communications;
- IV. Private-service aircraft may not be used to carry out passenger transportation services under any circumstances;
- V. Owners or operators of foreign private-service aircraft used exclusively for their private business or recreation who wish to fly over or land in Mexican territory must give prior and sufficient notice to the Ministry of Communications. This also applies to specialized air carriers.

The Ministry of Communications may require that owners or crew members of foreign private-service aircraft who wish to fly over or land in Mexican territory provide proof in each case that they have met the technical requirements of flightworthiness and licensing required in the country in which the aircraft were licensed.

APPLYING FOR PERMITS TO CARRY OUT INTERNATIONAL CHARTER FLIGHTS

The Ministry of Communications and Transport, via the Directorate General of Civil Aeronautics (International Air Transport Section), issued instructions dated 13 November 1987 for requesting permits to carry out international charter flights to Mexican territory.

These instructions apply to aircraft with propeller, turboprop or jet engines with a maximum capacity of 15 passenger seats or 900 kg cargo.

This Manual applies to specialized air services.

1. APPLICATION REQUIREMENTS

- 1.1 An application in Spanish must be signed by the person legally authorized to do so and submitted 30 days prior to the date of the flight or the date on which the program of operations is to begin.
- 1.2 A power of attorney must be obtained from a notary public or Mexican Consul stating that the requirements of Article 2551(II) of the Civil Code for the Federal District, which demonstrate the legal status of the supplier of the service, have been met.

- 1.3 Applications should be sent in writing to:

Ministry of Communications and Transport
 Directorate General of Civil Aeronautics
 International Air Transport Section
 Providencia No. 807, 2o. Piso
 Col. del Valle
 Delegación Benito Juárez
 03100 Mexico City

- 1.4 The application must include the information listed below, with the corresponding documents attached.
- 1.5 Foreign place of origin of the flights.
- 1.6 Mexican place of destination of the flights.
- 1.7 (Domestic and) international airports used to enter and exit Mexican territory (see Annex I).
- 1.8 Equipment and configuration to be used.
- 1.9 List of aircraft to be operated.

2. DOCUMENTS TO BE SUBMITTED

Copies of the required documents must be notarized by the Notary of the city in which the application originates and authenticated by the corresponding Mexican Consul.

- 2.1 One copy of the air operator's certificate and operational specifications certificate issued by aviation authorities in the country of origin.
- 2.2 One copy of the license registration certificate for the aircraft.
- 2.3 One copy of the certificate(s) of flightworthiness for the aircraft.
- 2.4 One copy of the receipt for purchase of the Manual de Información Aeronáutica [Flight Information Manual] (P.I.A. de México).
- 2.5 Two copies of the Flight Operations Manual issued by the company.
- 2.6 Two copies of the flight manual for each of the aircraft models.
- 2.7 One copy of the Maintenance Manual for each of the aircraft models.
- 2.8 Copies of the current licenses of each crew member.

3. CONDITIONS FOR PERMITS

- 3.1 Applicants must demonstrate that they have aircraft maintenance services, land support services, air traffic control services, weather information and other flight-related services.
- 3.2 Applicants must submit a copy of an international insurance policy guaranteeing compensation for any damages they may cause.*

- 3.3 Applicants must prove that they have an insurance policy issued by an authorized Mexican insurance company that covers damages to people and objects on land in Mexican territory, in accordance with the terms of (amended) Articles 343 and 352 of the General Communications Act.

In the case of specialized air services, Article 343 will not apply with respect to "injury to passengers" caused by companies with concessions or permits to provide scheduled or charter passenger transportation services (see Annex II).

- 3.4 A copy of the flight manual must be on board the aircraft.
- 3.5 Applicants must prove that they have requested approval of their fares from the Directorate General of Fares, Operations and Related Services of the Ministry of Communications and Transport.

4. PROCESSING AND RULING

- 4.1 All applications submitted under the above-mentioned conditions will be reviewed according to these and other applicable standards, in order that the Directorate General of Civil Aeronautics can issue a ruling no more than 15 working days following the date on which the application is submitted.

5. AIR ADVERTISING

- 5.1 Air advertising services are subject to additional requirements on pollution and safety.

PROVISIONS ON DAMAGE TO THIRD PARTIES

Section three of the General Communications Act sets out provisions on "Damage to Third Parties". The articles which will apply to the supply of specialized air services fall under Annex III.

ANNEX I

AIRPORTS USED TO ENTER AND EXIT MEXICAN TERRITORY

Foreign civilian private-service aircraft (used exclusively for recreation or private business) must meet the following requirements prior to entering Mexican territory:

- a) Aircraft with jet or turbo engines may and must use one of the following airports to enter and exit Mexican territory:

Acapulco, Guerrero (Gro.); Aguascalientes, Aguascalientes (Ags.); Cancún, Quintana Roo (Q.R.); Campeche, Campeche (Camp.); Cozumel, Q.R.; Ciudad Acuña, Coahuila (Coah.); Ciudad Juárez, Chihuahua (Chih.); Ciudad Juárez, Chih.; Culiacán, Sinaloa (Sin.); Bahías de Huatulco, Oaxaca (Oax.); Ensenada, Baja California Norte (B.C.N.); Guadalajara, Jalisco (Jal.); Chihuahua, Chih.; Chetumal, Q.R.; Durango, Durango (Dgo.); Hermosillo, Sonora (Son.); Guaymas, Son.; La Paz, Baja California Sur (B.C.S.); Loreto, B.C.S.; Manzanillo, Col.; Matamoros, Tamaulipas (Tamps.); Mazatlán, Sin.; Mexicali, B.C.N.; Mexico City; Mérida, Yucatan (Aeropuerto del Norte); Monterrey, Nuevo León (N.L.) Aeropuerto Mariano Escobedo; Monterrey, N.L.; Nogales, Son.; Morelia, Michoacán (Mich.); Nuevo Laredo, Tamps.; Piedras Negras, Coah.; Puerto Vallarta, Jal.; San Felipe, B.C.S.; San José del Cabo, B.C.S.; San Luis Potosí, S.L.P.; Saltillo, Coah.; Tampico, Tamps.; Tapachula, Chiapas (Chis.); Reynosa, Tamps.; Tijuana, B.C.N.; Toluca, Estado de México; Torreón, Coah.; Veracruz, Veracruz; Villahermosa, Tabasco; Zihuatanejo, Gro.; Zacatecas, Zacatecas; and Aeropuerto del Bajío, Guanajuato (Gto.).

- b) One and two-engine aircraft with piston or alternating engine may only use the following international airports to enter or exit Mexico:

Northern Region

For flights from and to the northern border of Mexico:

Tijuana, B.C.N.; Mexicali, B.C.N.; Nogales, Son.; Hermosillo, Son.; Ciudad Juárez, Chih.; Ciudad Juárez, Chih.; Ciudad Acuña, Coah.; Piedras Negras, Coah.; Nuevo Laredo, Tamps.; Aeropuerto del Norte, Monterrey, N.L.; Aeropuerto Mariano Escobedo, Monterrey, N.L.; Chihuahua, Chih.; La Paz, B.C.S.; San José del Cabo, B.C.S.; Loreto, B.C.S.; Loreto, B.C.S.; Guaymas, Son.; Ensenada, B.C.N.; and San Felipe, B.C.S.

Southern and Southeastern Region

For flights from and to the southern and southeastern borders of Mexico:

Bahías de Huatulco, Oaxaca; Tapachula, Chis.; Chetumal, Q.R.; Cozumel, Q.R.; Cancún, Q.R.; Mérida, Yuc.; and Campeche, Camp.

ANNEX II

INJURY TO PASSENGERS CAUSED BY COMPANIES WITH CONCESSIONS OR PERMITS FOR SCHEDULED AND CHARTER PASSENGER TRANSPORTATION SERVICE**GENERAL COMMUNICATIONS ACT AND REGULATIONS**

Article 352.- The compensation for damages to objects on land referred to in the preceding article shall equal a maximum of 12 500 times the general daily minimum wage in effect in the metropolitan area of the Federal District. Injury to persons shall be covered under the terms and in the amounts set out in Article 343.

Aircraft owners and operators shall guarantee payment of the compensation for which they are responsible through an insurance contract with a duly authorized institution or deposit with Nacional Financiera, S.N.C. for an amount that covers the risk under the terms of the respective regulations. The deposit insurance shall be doubled for owners or operators of two or more aircraft, regardless of the number of aircraft being operated. The insurance or deposit shall be posted within fifteen days following the day on which the concession or permit is obtained.

The Ministry of Communications shall determine under which circumstances foreign owners of private service aircraft must comply with this obligation.

Guarantees shall remain in effect for the duration of the concession or permit.

Natural or juridical persons who have not guaranteed payment of the compensation referred to in this article shall not benefit from limited responsibility.

ANNEX III

PROVISIONS ON DAMAGES TO THIRD PARTIES

Article 351.- When damage to objects or injury to persons on the ground due to the operation of an aircraft or objects dropped from an aircraft, responsibility arises merely by establishing the existence of damage and its origin.

This responsibility shall fall upon the owner and the operator of the aircraft.

For purposes of this article, "operation" of an aircraft means all movement of the aircraft on the ground or during flight with propulsion from its own engines.

Article 353.- Both the owner and operator of the aircraft are exempt from the responsibility set out in this section:

- I. When the damages can be attributed to the victim or when they result from acts committed by a third party with the intention of causing damage to the aircraft, the victim or objects;
- II. When the aircraft is operated by an unauthorized person. However, it must be demonstrated that the necessary preventive measures were taken and that it was impossible to avoid the illegal use of the aircraft. If this requirement is not met, the owner is jointly responsible with the person who caused the damage.

Article 354.- In cases of collision of two or more aircraft, the owners or operators shall be jointly responsible for damages caused to third parties or objects on the ground, each within the established limits.

Article 355.- The right to collect compensation for damages referred to in this section and determination of amount, shall be subject to the applicable provisions of the Civil Code for the Federal District.

The time limit for filing suits for compensation is one year counted from the date on which the event occurred.

ANNEX IV

APPLICABLE IMMIGRATION PROVISIONS

Article 42 of the General Population Act reads as follows:

Article 42.- A non-immigrant is a foreigner who, with permission from the Ministry of the Interior, enters the country temporarily and falls under one of the following categories:

I. TOURIST: a person who enters the country for recreational or health purposes or unpaid and non-profit artistic, cultural or sporting activities for a maximum period of six months which may not be extended.

II. IMMIGRANT IN TRANSIT: a person who is in transit to another country and who may remain in Mexico for up to thirty days.

III. VISITOR: a person who enters the country to engage in profit making or non-profit activities provided that these are lawful and in accordance with moral standards, with authorization to remain in Mexico for up to one year. When a foreign visitor, during his or her stay, lives off funds brought from abroad, interest from such funds or any other income from abroad, or enters the country for purposes of studying investment prospects or making investments, or is engaged in scientific, technical, consulting, artistic, sports or similar activities, a maximum of four extensions for an equal period may be granted with multiple entries and exits allowed.

[...].

ANNEX V

Article 75, Chapter III of the Customs Act reads as follows:

CHAPTER III

Temporary Imports and Exports

Definition of temporary import

Article 75.

1. "Temporary import" means the entry into Mexico of goods which will stay in the country for a limited time and for a specific purpose, provided that they leave the country in the same state, for the following periods:
 - a) Up to one month for trailers provided they are transporting the goods which they brought into the country or goods destined for export.
 - b) Up to six months in the following cases:
 - I. Imports made by foreign residents provided they are used directly by the residents or persons with whom they have a business relationship, not including vehicles.

ARTICLE 12

Article 12 of the Treaty provides as follows:

ARTICLE 12

1. The Contracting Parties shall ensure that the movement of persons between their territories is as free as possible.

2. The Contracting Parties shall ensure that the movement of persons between their territories is as free as possible, provided that the necessary measures are taken to ensure public order and security.

3. The Contracting Parties shall ensure that the movement of persons between their territories is as free as possible, provided that the necessary measures are taken to ensure public order and security.

4. The Contracting Parties shall ensure that the movement of persons between their territories is as free as possible, provided that the necessary measures are taken to ensure public order and security.

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Carlos Hernández y Garisdain International Air Transport Department	523 28 15	247
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Guadalupe Hernández García Aircraft and Airline Registry	523 45 38 67	210
Guillermo Rivera Hemmeler Director of Administration	523 66 88 682 82 75	260
Miguel Angel García Velázquez Physical Resources Department	687 83 93 523 27 26	230
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Andrés Pérez Zentella Air Safety Department	762 95 38 543 13 50 536 04 03	
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Gustavo Escobar Carre Programming and Statistics Department		271 274
Alfonso Riestra y Tiscareño Maintenance	687 72 86	296 286
Joaquín A. Uribe y Rubin CIAAC	Fax: 571 80 75 762 05 56 571 28 05	.
Union		273
Supervision		214
Switchboard	687 95 44	9

FOREST FIRE CONTROL

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual must be submitted to the Civil Aviation Board.

FIRE FIGHTING

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual and supplement to the aircraft's Standard Certificate attesting to the use of fire-fighting equipment must be submitted to the Civil Aviation Board, and authorization to install such equipment must be requested.

AIR ADVERTISING

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual and supplement to the aircraft's Standard Certificate attesting to the use of air advertising equipment must be submitted to the Civil Aviation Board, and authorization to conduct air advertising operations at night must be requested.

SIGHTSEEING TRIPS

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual must be submitted to the Civil Aviation Board.

EXTERIOR CARGO TRANSPORT

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual and its supplement and the supplement to the aircraft's Standard Certificate must be submitted to the Civil Aviation Board, and authorization to install a "kit" for exterior cargo transport must be requested.

INSPECTION OR MONITORING OF STATIONARY OBJECTS

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual must be submitted to the Civil Aviation Board.

OROGRAPHIC SURVEYING, AEROPHOTOGRAPHY AND AEROTOPOGRAPHY

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual, supplement to the aircraft's Standard Certificate attesting to the installation of photographic equipment, and supplement to the flight manual on the operation of such equipment must be submitted to the Civil Aviation Board.

AIR FUMIGATION PERMITS

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual, supplement to the aircraft's Standard Certificate attesting to the use of fumigation equipment, and supplement to the flight manual on the operation of such equipment must be submitted to the Civil Aviation Board.

PARACHUTING

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual must be submitted to the Civil Aviation Board.

TOWING OF GLIDERS

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual and its supplement and the supplement to the aircraft's Standard Certificate on the towing of gliders must be submitted to the Civil Aviation Board.

TRAINING FLIGHTS

- ▶ An initial application must be submitted to the corresponding SCT Centre.
- ▶ The Ministry shall ensure compliance with requirements at all times.
- ▶ The flight manual must be submitted to the Civil Aviation Board.

ATTACHMENT "J"

TEMPORARY ENTRY FOR BUSINESS PEOPLE - MEXICO

• March 1994 •

GETTING YOUR PAPERS IN ORDER

Temporary Entry for Business People

Considering the ability to travel to the United States of Mexico on a temporary basis is a valuable asset for any business person, it is important to have your papers in order. This includes having your passport, visa, and other necessary documents, as well as a valid identification card and a valid driver's license.

However, business people who have a passport and visa but do not have a valid identification card and driver's license may have difficulty entering the United States. It is important to have these documents in order before traveling to the United States.

One of the most common reasons for difficulty entering the United States is a lack of a valid identification card and driver's license.

In the case of a business person who does not have a valid identification card and driver's license, it is important to have these documents in order before traveling to the United States. This includes having a valid passport and visa, as well as a valid identification card and driver's license.

From any of these links to apply for a passport, the Mexican government will accept applications by mail.

The documents needed for an FMS include:

- an application
- two photos of the applicant
- a valid United States passport
- a letter from an employer, teacher, or other person who can vouch for the applicant's status in the United States
- a payment of a fee

Business people who do not have a passport and visa should apply for these documents first, and then apply for a temporary entry visa.

Business people who already have a passport and visa should apply for a temporary entry visa.

The fee for the FMS is currently \$125.00. This fee will be refunded to the applicant in Canadian dollars, but is deposited at the beginning of each month toward an interest exchange rate.

It is important to have your contact information updated in Mexico to persons without the correct entry papers may not be

Canadian Trade Commission

The Exporter's Best Friend

The United States is the largest market for Mexican exports. It is important to have your papers in order to export goods to the United States. This includes having a valid passport and visa, as well as a valid identification card and driver's license.

Business people who do not have a passport and visa should apply for these documents first, and then apply for a temporary entry visa.

REGULATIONS OF THE AIR TRANSPORT AUTHORITY

- In initial application and in subsequent applications...
- The Authority shall have regard to the following...
- The Authority shall have regard to the following...

REGULATIONS OF THE AIR TRANSPORT AUTHORITY

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- The Authority shall have regard to the following...



Access

• March 1994 •

GETTING YOUR PAPERS IN ORDER

Temporary Entry for Business People

Canadians are in the fortunate position of being able to travel to the United States or Mexico on vacation without visas — a valid passport is not even mandatory. We can enter the United States with the most minimal documentation, and Mexico merely requires identification and completion of a tourist card provided on planes, or at the border when driving in.

However, business people vacationing in Mexico who may happen to luck into a business transaction should be wary before they buy, sell or sign anything. Despite the easing of rules governing business travel under the NAFTA, there is a chance that deals struck in Mexico can be voided if entry was not made for business purposes.

Officials caution the business traveller to contact the consulates of Mexico and the U.S. before entering either country.

In the case of Mexico, all in-bound travellers fill out a Forma Migratoria (FM), the immigration form. This is what most people refer to as the "tourist card", but for most business people — those whose temporary stays will be no more than a year — the FM3 document is required. This is available from one of Mexico's consulates across Canada: in Vancouver, Toronto, Montreal, Quebec City or at the Embassy in Ottawa. For those who live too far

from any of these cities to apply in person, the Mexican government will accept applications by mail.

The documentation needed for an FM3 includes:

- an application;
- two pictures of the individual;
- a valid Canadian passport;
- a letter from an employer specifying what the person's activities will be while in Mexico, and by whom he/she will be paid; and
- payment of a permit fee.

Those who apply by mail are cautioned that the entire passport, not merely photocopied pages, must be

submitted. Applicants are strongly advised to use a secure method, such as bonded courier, to send passports.

The fee for the FM3 is currently U.S.\$73 (C\$99). The fee will be stated to the applicant in Canadian dollars, but is adjusted at the beginning of each month based on current exchange rates.

It is important to note that contracts or other legal documents signed in Mexico by persons without the correct entry papers may not be

Continued on Page II - *Temporary*

The Exporter's Best Friend

The deal has been struck, and you are ready to begin sending your product to your selected distributor, agent or customer in Mexico. The next step is to determine what requirements exist to transport the window-frames, chair-backs, frozen fish products or car parts from Montreal to Monterrey, Calgary to Cancun, A to B.

This is the point at which you will almost certainly wish to engage the services of a freight forwarder. These transportation intermediaries can help small and medium-sized companies as well as infrequent shippers to move

goods to market on time, undamaged, and at the lowest price.

Freight forwarders can act as principals or as agents. As agents only, the intermediary's responsibility ends once the shipment has been handed over to a licensed carrier, who then becomes liable for its carriage and delivery.

As principal, the freight forwarder can virtually take care of a shipment from the door of the exporter to that of the consignee.

This entails advising the customer on all questions regarding

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Freight Forwarders – from page 1

transportation, helping with document preparation, procurement of the most appropriate form of transportation, and ensuring the expedient and safe arrival of the consignment at its destination.

The role of freight forwarder as principal includes determining the most favourable routes and modes of transport, simplifying and speeding up the flow of information and documentation and, if the shipper so wishes, procurement of payment (money transfer, exchange regulations, etc.). They can also give tariff information and help companies determine their Harmonized System (HS) codes.

One of the chief advantages of a freight forwarder for all but the largest and most frequent shippers, who may have internal transport services, is the ability to consolidate smaller shipments to secure favourable handling, delivery services and rates. This means incorporating a small shipment from a given company into others travelling in large sea-going containers or airline approved airline containers.

Volume business helps the freight forwarder establish new transportation routes, both uni- and multi-modal networks, and contacts at border entry points, warehouses and other storage facilities, and distribu-

tion centres, all of which becomes advantageous to shippers. As international shipping is more complex than domestic, the expertise these companies develop in everything from routing to insurance rates reduces the need of exporters to develop in-house expertise that is costly and time-consuming.

Ocean freight forwarders acting as principals issue the bill of lading to the carrier and are shown as the shippers. In this instance, the forwarder is responsible for the breaking up of cargo lots and distribution to consignees.

In air freight, the responsibility for forwarders as principals is similar to ocean arrangements. However, as agent in air freight transactions, the forwarder acts on behalf of the carriers, from whom it receives a commission (excluding Canada-U.S. trans-border flights). The carrier, not the forwarder, assumes liability for the shipment.

In the case of dangerous goods, the forwarder may act only as agent; the consignor must certify the shipment and appear as shipper on the bill of lading.

Exporters interested in securing the services of a freight forwarder with experience in the destinations to which they plan to ship should contact the Canadian International

Freight Forwarders' Association (CIIFFA). The Association recently adopted standard trading conditions and established minimum liability insurance coverage, including errors and omissions, as conditions of membership. Its standard trading conditions cover the forwarder's role and responsibility; the customer's role and responsibility; the forwarder as agent; the forwarder as principal; and limits of liability.

Exporters should evaluate their international transportation network within the context of their total marketing and distribution strategies. This means looking at cost and service trade-offs in light of market and service objectives, analysing how products are moved to customers and how, if necessary, to increase customer service levels. Input from your customers can be invaluable here, particularly internationally.

But if you find a freight forwarder who will provide you with reliable, speedy, cost- and time-efficient service, you will realize why freight forwarders are often thought of as the exporter's best friend. They can take products virtually from the end of your assembly line to the end-user.

Contact the Canadian International Freight Forwarders' Association at: P.O. Box 929, Streetsville, Ontario, L5M 2C5. Tel: (416) 567-4633. Fax: (416) 542-2716. Telex: 06-22282

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considered legally binding. Jaime Martin, a commercial counsellor at the Mexican Embassy in Ottawa, says that, in fact, it is difficult to go through the legal signing procedure without presentation of these papers. However, should a signing occur without the right papers, deals could be voided or not honoured, and the weight of Mexican law would prevent recourse.

A trilateral working group is currently being appointed to examine the whole issue of temporary entry.

Until the group reports, remember that when travelling to Mexico on business, consult consular officials and follow their directions.

Since the Canada-U.S. Free Trade Agreement, passage for business people into the United States has been as simple as that for tourists. Presentation at the border of a passport, birth certificate or other proof of Canadian citizenship is considered sufficient for anyone involved in activities such as trade shows, finding sales representatives or distribu-

tors, developing a partnership or after-sales service. B-1 visa status is normally granted, with no fee required; some proof as to the nature of the activity is occasionally requested, and should be carried.

Professionals who wish to work temporarily in their field must provide, in addition to evidence of citizenship, a letter from the U.S. employer and supporting documents showing the nature and length of the activity, arrangements for remuneration, and proof of education and professional credentials. TC-1 visa status will be granted upon payment of a U.S.\$50 processing fee.

International Trade Centres

External Affairs and International Trade Canada and Industry and Science Canada have established International Trade Centres across Canada to provide a point of contact for Canadian exporters and importers participating in international trade. These centres provide a wide range of services to companies seeking export financing, including trade insurance, trade promotion, market research, and trade mission support. For more information, contact the International Trade Centre nearest you. Contact information is provided in the following table.

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International Trade Centres

External Affairs and International Trade Canada and Industry and Science Canada have established International Trade Centres (ITCs) across Canada to assist first-time and experienced Canadian exporters by providing export publications, recruiting participants for trade fairs and missions, providing a wide range of services to companies seeking export counselling, technology transfer or joint ventures with foreign investors. For further information contact the ITC nearest you. Export counselling is also available through External Affairs and International Trade Canada's InfoEx office in Ottawa which can be reached toll-free at 1-800-267-8376; Ottawa area: (613) 944-4000; Fax: (613) 996-9709.

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