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**L'ACCORD DE LIBRE-ÉCHANGE NORD-AMÉRICAIN**  
**APPLIQUÉ AUX**  
**SERVICES AÉRIENS SPÉCIALISÉS**  
**GUIDE À L'INTENTION DES OPÉRATEURS**  
**CANADIENS**

Le présent guide, établi par la Direction des industries de services et des transports du ministère des Affaires étrangères et du Commerce international, expose les principales dispositions de l'ALENA portant sur les services aériens spécialisés. Si vous désirez obtenir un exemplaire complet de l'ALENA, veuillez appeler l'InfoExport au 1-800-267-8376 ou en faire la demande par télécopieur au (613) 996-9709.

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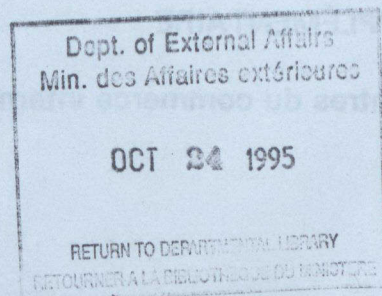






## TABLE DES MATIÈRES

	<u>Page</u>
<b>1. INTRODUCTION</b>	<b>4</b>
<b>2. DISPOSITIONS DE L'ALENA</b>	<b>5</b>
a) Services visés	5
b) Calendrier de la libéralisation	5
c) Permis d'exploitation	6
i) Traitement national	
ii) Lutte contre les incendies de forêt	
d) Admission temporaire du personnel	7
i) Hommes et femmes d'affaires en visite	
ii) Personnes mutées à l'intérieur d'une société	
iii) Professionnels	
iv) Fournisseurs de services - Étapes suivantes	
e) Procédures douanières	9
f) Marchés publics	9
i) Dispositions de l'ALENA	
ii) Débouchés - Services aériens spécialisés	
<b>3. ACCÈS AU MARCHÉ AMÉRICAIN</b>	<b>11</b>
a) Conditions d'exploitation	11
i) Autorisation « 375 »	
ii) Formule de demande	
ii) Établissement de bases opérationnelles	
b) Immigration	12
c) Douanes	12
d) Aide supplémentaire	13



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<b>4. ACCÈS AU MARCHÉ MEXICAIN</b>	<b>13</b>
a) Conditions d'exploitation	13
b). Investissement	13
c) Immigration	14
d) Douanes	14

## **PIÈCES JOINTES**

### **ALENA**

- « A » Annexe 1603 - Admission temporaire des « hommes et des femmes d'affaires »
- « B » Appendice 1603.A.1 - Liste des « hommes et femmes d'affaires en visite »
- « C » Appendice 1603.D.1 de l'ALENA - Liste des « professionnels » pour les besoins d'une admission temporaire
- « D » Article 305 de l'ALENA - Admission temporaire de produits

### **ÉTATS-UNIS**

- « E » Douanes américaines - Admission temporaire
- « F » Trousse d'information des États-Unis sur les services aériens spécialisés (procédures, règlements et demande d'autorisation « 375 »)
- « G » Points de contact - É.-U.

### **MEXIQUE**

- « H » Points de contact - Mexique
- « I » Trousse d'information et procédures de présentation des demandes
- « J » Admission temporaire des hommes et femmes d'affaires

### **AIDE SUPPLÉMENTAIRE**

- « K » Centres du commerce international du Canada



## **1. INTRODUCTION**

L'Accord de libre-échange nord-américain (ALENA), entré en vigueur le 1<sup>er</sup> janvier 1994, contient des dispositions visant à libéraliser les services aériens spécialisés. Dans ce domaine, l'industrie canadienne dispose d'une technologie et d'un potentiel de niveau mondial et elle est prête à profiter des tout nouveaux marchés qui s'offrent à elle aux États-Unis et au Mexique. La Direction des industries de services et des transports (TPS) du ministère des Affaires étrangères et du Commerce international a établi le présent guide dans l'intention d'aider l'industrie canadienne. Cette dernière y trouvera les dispositions de base de l'ALENA portant sur les services aériens spécialisés, ainsi que des renseignements sur les procédures juridiques et administratives auxquelles sont confrontés les fournisseurs canadiens cherchant à pénétrer les marchés américains et mexicains.

Il existe, en outre, plusieurs initiatives et programmes ministériels et gouvernementaux qui visent à faciliter la réussite des sociétés de services canadiennes sur les marchés internationaux. Les sociétés peuvent y avoir accès directement ou par l'entremise d'associations industrielles. Pour obtenir un complément d'information sur ces programmes gouvernementaux, veuillez vous adresser à M<sup>me</sup> Doreen Conrad, Direction des industries de services et des transports (TPS), au (613) 992-0484 ou, par télécopieur, au (613) 996-1225, ou bien vous mettre en rapport avec le Centre du commerce international le plus proche.

Les dispositions prévues par l'ALENA pour libéraliser les services aériens spécialisés exigent que chaque pays change radicalement ses procédures administratives. On met actuellement au point de nouveaux manuels et formulaires pour faire face à l'ouverture des marchés et à l'accroissement prévu du commerce transfrontières. Si besoin est, le présent guide sera modifié en conséquence. Toutefois, à la date de sa publication, il est aussi exact que possible. Le Ministère demande l'aide de l'industrie canadienne dans les efforts incessants qu'il déploie pour indiquer les procédures administratives à suivre en pénétrant les marchés américains et mexicains.

Ce guide doit être utilisé comme une source d'information et non comme un manuel juridique. Nous recommandons aux intéressés de consulter, le cas échéant, des conseillers juridiques ou d'autres professionnels (courtiers en douane, transitaires, négociants, consultants, etc.) pour être sûrs de respecter la législation nationale et étrangère. Le ministère des Affaires étrangères et du Commerce international décline toute responsabilité pour les dommages ou pertes subis par quiconque aurait fait confiance à ce guide.



## **2. DISPOSITIONS DE L'ALENA**

### **a) Services visés**

Pour les besoins de l'ALENA, les services aériens spécialisés sont définis comme étant les quatorze services suivants :

- cartographie aérienne
- levés aériens
- photographie aérienne
- gestion des incendies de forêt
- lutte contre les incendies
- publicité aérienne
- remorquage de planeurs
- sauts en parachute
- construction aérienne
- exploitation forestière par hélicoptère
- excursion aérienne
- formation à la navigation aérienne
- inspection et surveillance aériennes
- services de pulvérisation par aéronef

### **b) Calendrier de la libéralisation**

Les services visés n'ont pas tous été libéralisés à partir du 1<sup>er</sup> janvier 1994. Les industries des Parties n'en sont pas toutes au même stade de développement et elles ont besoin de temps pour se préparer à la concurrence étrangère. La cartographie aérienne, les levés aériens et la photographie aérienne (« la géomatique »), la gestion des incendies de forêt et la lutte contre les incendies, la publicité aérienne, le remorquage de planeurs et les sauts en parachute ont été libéralisés au Canada et aux États-Unis le 1<sup>er</sup> janvier 1994, mais la pulvérisation par aéronef ne le sera que le 1<sup>er</sup> janvier 2000. Le Mexique a un calendrier différent : il libéralisera les services de « géomatique » le 1<sup>er</sup> janvier 2000. Pour les dates de mise en oeuvre de chaque service visé, veuillez vous reporter au Tableau 1 de la page 6.

Les marchés américains et mexicains offerts par ces services non encore libéralisés ne sont pas nécessairement fermés aux fournisseurs canadiens. Il est possible de conclure, avec des sociétés locales, des alliances stratégiques et des coentreprises respectant les prescriptions relatives à la teneur en éléments nationaux établies par la législation de ces pays. Ainsi, au Mexique, quelques sociétés semblent prêtes à conclure de semblables arrangements avec des fournisseurs canadiens. Au cas où votre société serait intéressée, elle devrait s'adresser à un conseiller juridique pour mettre sur pied un arrangement propre à répondre aux buts souhaités.

De plus, les législations américaine et mexicaine n'interdisent pas expressément l'accès à ces marchés aux sociétés étrangères fournissant des services non encore libéralisés en vertu de l'ALENA (à quelques exceptions près). D'ordinaire, les États-Unis et le Mexique s'ouvrent aux fournisseurs de services aériens spécialisés



tenant compte des normes de sécurité et des intérêts des industries nationales. Si un service fourni par votre société correspond à une demande et qu'aucune société locale n'est capable d'offrir le même, alors les autorités aériennes responsables peuvent l'autoriser avant la libéralisation prévue par l'ALENA.

**Tableau 1 : Calendrier de la libéralisation, par pays**

<b>CALENDRIER DE MISE EN OEUVRE DES SERVICES AÉRIENS SPÉCIALISÉS</b>				
	<b>1<sup>er</sup> JANVIER 1994</b>	<b>1<sup>er</sup> JANVIER 1996</b>	<b>1<sup>er</sup> JANVIER 1997</b>	<b>1<sup>er</sup> JANVIER 2000</b>
<b>CANADA</b>	CARTOGRAPHIE, LEVÉS, PHOTOGRAPHIE, GESTION DES INCENDIES DE FORÊT, LUTTE CONTRE LES INCENDIES, PUBLICITÉ, REMORQUAGE DE PLANEURS, SAUTS EN PARACHUTE	CONSTRUCTION AÉRIENNE, EXPLOITATION FORESTIÈRE PAR HÉLIPTÈRE	EXCURSION AÉRIENNE, FORMATION À LA NAVIGATION AÉRIENNE, INSPECTION, SURVEILLANCE	PULVÉRISATION PAR AÉRONEF
<b>ÉTATS-UNIS</b>	CARTOGRAPHIE, LEVÉS, PHOTOGRAPHIE, GESTION DES INCENDIES DE FORÊT, LUTTE CONTRE LES INCENDIES, PUBLICITÉ, REMORQUAGE DE PLANEURS, SAUTS EN PARACHUTE	CONSTRUCTION AÉRIENNE, EXPLOITATION FORESTIÈRE PAR HÉLIPTÈRE	EXCURSION AÉRIENNE, FORMATION À LA NAVIGATION AÉRIENNE, INSPECTION, SURVEILLANCE	PULVÉRISATION PAR AÉRONEF
<b>MEXIQUE</b>	GESTION DES INCENDIES DE FORÊT, LUTTE CONTRE LES INCENDIES, REMORQUAGE DE PLANEURS, SAUTS EN PARACHUTE, FORMATION À LA NAVIGATION AÉRIENNE		PUBLICITÉ, EXCURSION AÉRIENNE, CONSTRUCTION AÉRIENNE, EXPLOITATION FORESTIÈRE PAR HÉLIPTÈRE	INSPECTION, SURVEILLANCE, CARTOGRAPHIE, PHOTOGRAPHIE, LEVÉS, PULVÉRISATION PAR AÉRONEF

**c) Permis d'exploitation**

**(i) Traitement national**

Une fois que le service aura été libéralisé, chaque Partie sera obligée de donner aux fournisseurs qualifiés de services aériens spécialisés des autres Parties l'autorisation



de venir travailler dans son espace aérien. On appliquera, toutefois, les normes de sécurité et les formalités administratives nationales, à condition que l'étranger faisant une demande en vertu de l'ALENA soit traité au moins aussi favorablement que les fournisseurs de services locaux (conformément au principe du « traitement national »). Par exemple, un opérateur canadien est tenu de respecter les règles de sécurité mexicaines quand il travaille au Mexique. La législation et la réglementation aériennes du Canada, des États-Unis et du Mexique sont différentes et il ne suffit pas de respecter les lois d'un pays pour ne pas enfreindre celles d'un autre. Pour accéder aux marchés américains et mexicains des services aériens spécialisés, il importe donc de bien comprendre ce qu'exigent les lois de chaque pays. On trouvera exposés dans les sections suivantes quelques-uns des règlements régissant l'aviation aux États-Unis et au Mexique.

Transports Canada, de son côté, doit traiter les sociétés américaines et mexicaines fournissant des services aériens spécialisés visés par l'ALENA au moins aussi favorablement que les sociétés canadiennes. Toutefois, les opérateurs américains et mexicains de services aériens spécialisés souhaitant venir faire du commerce au Canada sont obligés de se conformer à toutes les lois canadiennes, y compris celles concernant les transports, les licences et les taxes. À cet égard, Transports Canada a l'intention d'appliquer aux sociétés présentant des demandes en vertu de l'ALENA les normes de sécurité et d'exploitation régissant les licences de pilote et les brevets, les aéronefs et l'inspection des bases, et il ne délivrera de certificats d'exploitation qu'à celles qui apporteront la preuve de leur conformité avec ces normes. Cela veut dire que les sociétés américaines et mexicaines utilisant des équipements non conformes aux normes canadiennes, tels que d'anciens aéronefs militaires, ne seront pas autorisées à venir les exploiter au Canada tant qu'elles ne respecteront pas lesdites normes.

#### (ii) Lutte contre les incendies de forêt

L'ALENA n'a aucune incidence à l'égard de l'entente réciproque sur la lutte contre les incendies de forêt, signée entre le Canada et les États-Unis pour faciliter la coopération internationale en matière de lutte contre les incendies dans les situations d'urgence.

#### d) Admission temporaire du personnel

Dans l'Annexe 1603 du chapitre 16 de l'ALENA, il est spécifié que quatre catégories de personnes ont le droit de pénétrer sur le territoire d'une autre Partie à titre temporaire. Ce sont les hommes et les femmes d'affaires en visite, les négociants et investisseurs, les personnes mutées à l'intérieur d'une société et les professionnels. Les catégories entrant en ligne de compte pour les services aériens spécialisés sont les hommes et les femmes d'affaires, les personnes mutées à l'intérieur d'une société et les professionnels.



(i) Hommes et femmes d'affaires en visite

Les sociétés de services aériens spécialisés désirant profiter des tout nouveaux marchés américains et mexicains enverront probablement des employés dans ces pays pour commercialiser leurs produits. Ces employés sont considérés comme des hommes et des femmes d'affaires en visite et ils se voient accorder un droit d'admission temporaire, pour autant qu'ils remplissent par ailleurs les conditions d'immigration applicables à l'admission temporaire. On trouvera à la pièce jointe « A » du guide les différentes catégories d'hommes et de femmes d'affaires en visite, admis temporairement dans le pays sans permis de travail.

(ii) Personnes mutées à l'intérieur d'une société

L'ALENA stipule que, moyennant certaines conditions, chaque Partie doit accorder un droit d'admission temporaire aux personnes employées par une entreprise, qui cherchent à assurer des services à celle-ci ou bien à une filiale ou société affiliée implantée sur le territoire de ladite Partie. Ces personnes ne sont pas obligées de faire valider leur offre d'emploi, mais elles doivent obtenir un permis de travail. On trouvera un complément d'information à la pièce jointe « B ».

(iii) Professionnels

Dès qu'une société canadienne de services aériens spécialisés a obtenu un contrat, le personnel désigné va devoir se rendre aux États-Unis ou au Mexique pour exécuter le travail. En général, l'ALENA prévoit des procédures d'admission temporaire simplifiées pour certains professionnels désirant aller travailler sur le territoire d'une autre Partie. Pour y avoir droit, le professionnel doit figurer parmi ceux énumérés à l'Appendice 1603.D.1 et ses études et autres titres doivent être au minimum ceux décrits dans ce même Appendice (voir la pièce jointe « C » pour la liste des professionnels et de leurs qualifications).

Les professionnels qualifiés ne sont pas tenus de faire valider leur offre d'emploi, mais ils doivent obtenir un permis de travail. De plus, ils ont le droit de faire entrer leur équipement en franchise sur le territoire de l'autre Partie. Les professionnels déjà énumérés à l'Annexe 1603.D.1, qui pourraient entrer en ligne de compte pour les services aériens spécialisés, sont les suivants : ingénieur forestier, ingénieur, arpenteur-géomètre et technicien/technologue scientifique.

Toutefois, la plupart des catégories de personnel fournissant des services aériens spécialisés, notamment les pilotes, la plus importante de toutes, ne figurent pas sur cette liste de professionnels et ne bénéficient donc pas de ces procédures d'admission temporaire simplifiées. Si le personnel désirant entrer aux États-Unis et au Mexique ne fait pas partie des professionnels selon les critères de l'Annexe 1603.D.1 et qu'il ne relève, par ailleurs, d'aucune des autres catégories énumérées ci-dessus qui



bénéficient de ce privilège, il doit effectuer les formalités d'immigration normales (procédures de validation de l'offre d'emploi) de ces pays. Pour obtenir un complément d'information, on peut s'adresser aux consulats des États-Unis et du Mexique des grandes villes du Canada (voir les adresses et les numéros de téléphone et de télécopieur aux pièces jointes « G » et « H »).

#### **(iv) Fournisseurs de services - Étapes suivantes**

Les lois américaines et mexicaines sur l'immigration imposent aux opérateurs étrangers des formalités parfois longues et à l'issue incertaine. C'est pourquoi, tout au long des négociations de l'ALENA, le Canada a toujours soutenu que pour pouvoir se livrer utilement au commerce transfrontières des services aériens spécialisés, les professionnels clés devaient bénéficier des procédures d'admission temporaire simplifiées décrites ci-dessus, à condition que leur admission ait pour raison d'être l'exécution d'un travail entrepris par un employeur établi dans leur pays d'origine.

C'est pour cela que le Canada a proposé aux États-Unis et au Mexique d'accorder le privilège de l'admission temporaire à dix catégories de personnel tout à fait indispensables à la fourniture de services aériens spécialisés. Cependant, ni le Mexique, ni les États-Unis n'ont accepté parce qu'ils estimaient que les arrangements actuels n'entraient en rien l'admission de ce personnel. Par conséquent, si le personnel canadien désirant entrer aux États-Unis et au Mexique pour fournir à ces pays des services aériens spécialisés ne figure pas parmi les professionnels admis temporairement en vertu de l'ALENA, il sera obligé d'effectuer les formalités d'immigration et de validation de l'offre d'emploi imposées par ces pays. Si vous avez des difficultés, n'hésitez pas à en faire part au ministère des Affaires étrangères et du Commerce international.

#### **e) Procédures douanières**

Comme nous l'avons dit ci-dessus en (2)d)(iii), les professionnels des catégories prévues par l'ALENA ont le droit d'emporter en franchise avec eux, sur le territoire d'une autre Partie, l'équipement dont ils ont besoin pour exécuter leur travail. Si votre profession ne figure pas parmi celles énumérées dans l'ALENA, vous devez vous conformer à la législation douanière de votre pays de destination pour ce qui est de l'admission temporaire de votre équipement. Vous trouverez plus de détails à ce sujet dans les sections suivantes.

#### **f) Marchés publics**

##### **(i) Dispositions de l'ALENA**

Les marchés publics sont des contrats d'achat de biens et de services passés, pour leur propre usage, par les gouvernements fédéraux et ceux des États et provinces,



ainsi que par les administrations locales. Bien que les marchés publics aient été libéralisés par l'ALENA dans de nombreux secteurs, les transports ont été généralement exclus, à l'exception de quelques services aériens spécialisés.

(ii) Débouchés - Services aériens spécialisés

Fait important pour l'industrie des services aériens spécialisés, les États-Unis ont accepté de libéraliser leurs marchés publics en ce qui concerne les services de photographie aérienne (d'autres services de cartographie et de levé non aériens, mais apparentés, ont également été libéralisés). Le Canada tout comme les États-Unis ont accepté de libéraliser les services de « largage d'eau », composante évidente du service aérien spécialisé de lutte contre les incendies de forêt. Un autre de ces services, la photogrammétrie, a également tiré profit d'une libéralisation des marchés publics.

Tous les autres services aériens spécialisés ont été exclus des dispositions prises dans l'ALENA pour la libéralisation des marchés publics. Cela veut dire, par exemple, qu'un organisme gouvernemental américain peut donner la préférence à une société américaine dans ses appels d'offres pour la simple raison que cette société est américaine.

L'industrie des services aériens spécialisés est ainsi faite qu'une grande partie de ses contrats lui vient des gouvernements fédéraux ou de ceux des États ou des provinces. La libéralisation des marchés publics faciliterait donc grandement l'accès à ces contrats. Plusieurs membres de l'industrie canadienne ont regretté que ce domaine n'ait pas été libéralisé, étant donné tous les débouchés que leur offriraient les marchés publics américains. Cependant, beaucoup d'autres représentants de l'industrie ont déclaré qu'ils préféreraient assurer la protection des marchés publics canadiens.

L'ALENA oblige les Parties à réexaminer la question des marchés publics à partir de 1998, afin de tendre vers une plus grande libéralisation. Cet examen donnera au gouvernement canadien une nouvelle occasion de tenir des consultations à ce sujet avec l'industrie des services aériens spécialisés.

Notons que cela n'empêche pas les sociétés canadiennes de services aériens spécialisés de soumissionner pour des marchés publics américains et mexicains et de l'emporter. En fait, certains de ces contrats de services gouvernementaux ont été adjugés à des sociétés canadiennes, aussi bien aux États-Unis qu'au Mexique, ce qui montre que l'industrie canadienne des services aériens spécialisés a une excellente réputation au niveau international et que ses compétences sont très recherchées. Toutefois, les organismes gouvernementaux canadiens, américains ou mexicains passant des contrats de services aériens spécialisés peuvent continuer de donner la préférence à des soumissionnaires de leur propre industrie.



### **3. ACCÈS AU MARCHÉ AMÉRICAIN**

#### **a) Conditions d'exploitation**

##### **(i) Autorisation « 375 »**

Aux États-Unis, la fourniture de services aériens spécialisés par des opérateurs d'aéronefs civils étrangers est régie par la « Federal Aviation Act of 1958 » et son document de mise en application 14 C.F.R., paragraphe 375. Aux termes de ce paragraphe, tout opérateur d'avions civils étrangers doit obtenir l'autorisation du Department of Transportation avant d'entreprendre des opérations commerciales aux États-Unis. Avant l'entrée en vigueur de l'ALENA, les sociétés canadiennes qui demandaient cette autorisation essuyaient souvent un refus, la raison invoquée étant que le Canada n'offrait pas une « réciprocité suffisante » aux sociétés américaines désireuses de venir y travailler. Les demandeurs canadiens étaient priés de faire un tour d'horizon de l'industrie des États-Unis, afin de déterminer si une entreprise américaine serait en mesure d'exécuter le projet envisagé (le droit du premier refus).

Avec l'entrée en vigueur de l'ALENA, le Canada est considéré comme ayant satisfait au test de la « réciprocité ». On ne demandera plus aux sociétés canadiennes de faire un tour d'horizon de l'industrie américaine. Toutefois, dès qu'une autorisation « 375 » lui a été délivrée, l'opérateur doit obligatoirement se conformer à tous les règlements d'exploitation imposés par la Federal Aviation Administration (FAA) (pour obtenir un complément d'information, veuillez vous adresser à la FAA - voir la pièce jointe « G »).

##### **(ii) Formule de demande**

On trouvera à la pièce jointe « F » un spécimen de la formule à remplir pour demander une autorisation « 375 » et on verra à la pièce jointe « G » comment obtenir cette autorisation. Le Department of Transportation a déclaré que cette autorisation pouvait être accordée « prospectively » (au préalable) (c.-à-d. avant l'adjudication d'un marché), à condition que le demandeur ait indiqué dans sa demande quel était le type de service à fournir et le lieu de mise en oeuvre (par exemple le nord-ouest des États-Unis). Cela permet au Department of Transportation de prévenir le bureau compétent de la Federal Aviation Administration au cas où des inspections ou bien une assistance opérationnelle seraient nécessaires. En outre, il se peut que l'autorisation soit délivrée pour un certain temps et non pour la durée d'un contrat, sauf si la sécurité des opérations est en jeu.

##### **(iii) Établissement de bases opérationnelles**

Comme nous venons de le voir, tout Canadien exploitant un aéronef aux États-Unis doit se procurer une autorisation « 375 ». Il y est également tenu s'il possède, contrôle ou exploite un aéronef immatriculé aux États-Unis. C'est le cas même si



l'aéronef immatriculé aux États-Unis appartient à une société américaine dont moins de 75 p. 100 des intérêts avec droit de vote sont détenus ou contrôlés par des citoyens américains (et dont le président - ou plus d'un tiers du conseil d'administration et autres dirigeants - est un étranger). Ainsi, chaque fois qu'un Canadien devient propriétaire d'une partie importante d'une entreprise américaine ou qu'il y fait de gros investissements, il tombe sous le coup de cette obligation.

À notre connaissance, il n'y a pas de loi américaine empêchant un Canadien d'investir dans une société de services aériens spécialisés ou interdisant à un opérateur canadien d'établir une base opérationnelle temporaire pendant la mise en oeuvre d'un service aux États-Unis. Pour des raisons de sécurité, une telle base est parfois souhaitable. L'opérateur aurait besoin d'une autorisation « 375 », mais depuis l'entrée en vigueur de l'ALENA, le processus est simplifié (voir ci-dessus).

#### **b) Immigration**

Le personnel des services aériens spécialisés qui ne bénéficie pas du privilège de l'admission temporaire prévu par l'ALENA (voir ci-dessus en (2)d)) devrait s'adresser au bureau d'immigration compétent des consulats américains dans les grandes villes du Canada, afin de se renseigner sur les formalités d'admission (voir pièce jointe « G »).

#### **c) Douanes**

Les douanes américaines classent certains matériels sous la dénomination de « tools of the trade » (outils professionnels) (voir la pièce jointe « E ») et elles en autorisent l'admission en franchise à titre temporaire (un an ou moins, bien qu'il puisse y avoir une prolongation) à condition que l'importation soit faite par un non-résident. Conformément aux obligations que leur impose l'ALENA (voir en (2)d)(ii) ci-dessus), les États-Unis autorisent les personnes dont la profession figure à l'Annexe 1603.D.1 (voir pièce jointe « C ») à faire entrer des matériels en franchise. Il y a toutefois d'autres matériels considérés comme outils professionnels, qui bénéficient également de la franchise. Veuillez vous adresser aux douanes américaines pour plus de détails (voir la pièce jointe « G »).

Toute personne qui demande à faire entrer son matériel en franchise aux États-Unis doit présenter les documents suivants :

- 1) une déclaration décrivant le matériel, indiquant l'objet de son importation et attestant qu'il est importé par un non-résident;
- 2) une caution à déposer pour des produits non originaires, remboursable dès que le matériel en question aura été exporté des États-Unis.



Lors de son départ, cette personne devra remplir une nouvelle formule pour prouver que le matériel a été exporté des États-Unis. Beaucoup de sociétés de services canadiennes arrivant aux États-Unis constatent qu'un courtier en douane peut leur être très utile pour faire en sorte que ces formalités s'accomplissent correctement et rapidement.

**d) Aide supplémentaire**

On trouvera à la pièce jointe « G » la liste des commissaires de commerce canadiens en poste aux États-Unis et des Centres du commerce international (CCI) du Canada, auprès desquels votre société pourra trouver de l'aide. Les CCI, qui sont dirigés conjointement par Affaires étrangères et Commerce international Canada et Industrie Canada, offrent une vaste gamme de services aux sociétés cherchant à se faire conseiller pour leurs exportations.

**4. ACCÈS AU MARCHÉ MEXICAIN**

**a) Conditions d'exploitation**

Le Mexique a remis une trousse d'information contenant trois documents à consulter par les opérateurs canadiens (voir la pièce jointe « I »). Le premier de ces documents expose la procédure de demande et les spécifications à respecter dans le cadre de l'ALENA pour les services aériens spécialisés. Le deuxième contient une liste des personnes-ressources à consulter à la Commission mexicaine de l'aviation civile. Le troisième expose les règlements à appliquer par les opérateurs d'aéronefs immatriculés à l'étranger pour tout service aérien spécialisé sur le territoire mexicain, selon la spécialisation. À la pièce jointe « H », vous trouverez d'autres adresses utiles au Mexique.

**b) Investissement**

Toutes les sociétés de services aériens spécialisés désireuses d'exploiter au Mexique des aéronefs immatriculés à l'étranger doivent en demander l'autorisation. On ne peut faire immatriculer au Mexique que les aéronefs appartenant à des Mexicains ou à des entreprises mexicaines dans lesquelles 75 p. 100 des intérêts avec droit de vote sont détenus ou contrôlés par des Mexicains et dont le président et au moins deux tiers des dirigeants sont des Mexicains. Il en résulte que les investisseurs des autres Parties ne peuvent pas posséder plus de 25 p. 100 d'une société mexicaine fournissant des services aériens spécialisés au moyen d'aéronefs immatriculés au Mexique.



### c) Immigration

Les trois Parties se sont mises d'accord pour publier des lignes directrices sur les procédures d'immigration à appliquer pour une admission temporaire. Celles du Mexique vont bientôt paraître. Pour obtenir un complément d'information, les sociétés intéressées peuvent s'adresser aux bureaux mexicains de l'immigration et des douanes (voir pièce jointe « H »).

L'article 42 de la loi générale relative à la population s'applique aux hommes et aux femmes d'affaires en visite demandant l'admission temporaire au Mexique. Il stipule en substance ce qui suit :

Article 42.- Un non immigrant est un étranger qui, avec l'autorisation du ministre de l'Intérieur, entre temporairement dans le pays et relève de l'une des catégories suivantes : ...

III. VISITEUR : [TRAD.] Toute personne qui entre au Mexique pour se livrer à des activités lucratives ou non, pour autant que celles-ci soient légales et conformes à la moralité, est autorisée à y rester pour une durée d'un an. Quatre prolongations au maximum, de même durée, avec des entrées et des sorties multiples, peuvent être accordées aux visiteurs étrangers qui, pendant leur séjour, vivent des fonds qu'ils ont apportés de l'étranger, des intérêts produits par ces fonds ou d'un autre revenu provenant de l'étranger, sont entrés dans le pays pour étudier les possibilités d'investissement ou pour faire des investissements ou se livrent à des activités scientifiques, techniques, consultatives, artistiques, sportives ou autre.

### d) Douanes

Le Mexique accorde également le bénéfice de l'admission temporaire en franchise pour les matériels nécessaires à la fourniture d'un service visé par l'ALENA. On est parfois obligé de déposer une caution et de faire appel à cet effet à un courtier en douane. La pièce jointe « H » donne une liste de courtiers mexicains. On trouvera exposés ci-dessous les principes de base de ce traitement spécial des importations temporaires :

L'article 75 du chapitre III de la Loi [mexicaine] sur les Douanes stipule ce qui suit :



## CHAPITRE III

### Importations et exportations temporaires

#### Importation temporaire — Définition

#### Article 75.

1. [TRAD.] On entend par « importation temporaire » l'admission au Mexique de biens qui resteront dans le pays pour une durée limitée et à des fins particulières, à condition d'en ressortir dans le même état, les périodes prévues étant les suivantes :

a) Jusqu'à un mois pour les remorques, à condition que les produits transportés soient les mêmes que lors de l'entrée dans le pays ou qu'ils soient destinés à l'exportation.

b) Jusqu'à six mois dans les cas suivants :

I. Produits importés par des résidents étrangers, à condition d'être utilisés directement par eux ou par des personnes avec qui ils ont des relations d'affaires, à l'exclusion des véhicules.



## **PIÈCE JOINTE « A »**

### **ANNEXE 1603 DE L'ALENA**

#### **Admission temporaire des hommes et des femmes d'affaires**

##### **Section A - Hommes et femmes d'affaires en visite**

1. Chacune des Parties accordera l'admission temporaire, sans obligation de permis de travail, à un homme ou une femme d'affaires qui désire exercer l'une des activités commerciales établies à l'appendice 1603.A.1 et qui satisfait par ailleurs aux prescriptions existantes en matière d'immigration applicables à l'admission temporaire, sur présentation :

- a) d'une preuve de citoyenneté d'une Partie,
- b) de documents attestant qu'il ou elle exercera l'une des activités mentionnées et indiquant l'objet de la visite, et
- c) d'une preuve montrant que l'activité commerciale projetée est de nature internationale et que l'homme ou la femme d'affaires ne cherche pas à pénétrer le marché local du travail.

2. Chacune des Parties fera en sorte qu'un homme ou une femme d'affaires puisse satisfaire aux conditions de l'alinéa (1)c) en établissant :

- a) que la principale source de rémunération de l'activité commerciale projetée se situe à l'extérieur du territoire de la Partie autorisant l'admission temporaire;
- b) que le siège principal de son activité et le lieu où il ou elle réalise effectivement ses bénéfices, du moins pour l'essentiel, demeurent à l'extérieur du territoire.

Une Partie acceptera normalement une déclaration verbale à cet égard. Toute Partie qui exige des preuves supplémentaires considérera en principe comme suffisante une lettre d'attestation de l'employeur.

3. Chacune des Parties accordera l'admission temporaire, sans obligation de permis de travail, à un homme ou une femme d'affaires qui désire exercer une activité commerciale autre que celles établies à l'appendice 1603.A.1, sur une base non moins favorable que celle prévue aux termes des prescriptions existantes mentionnées à l'appendice 1603.A.3, à condition que l'homme ou la femme d'affaires satisfasse par ailleurs aux prescriptions existantes en matière d'immigration applicables à l'admission temporaire.



4. Aucune des Parties ne pourra :

- a) subordonner l'autorisation d'admission temporaire aux termes des paragraphes 1 ou 3 à des procédures d'approbation préalable, des requêtes, des validations de l'offre d'emploi ou autres procédures ayant un effet similaire, ou
- b) imposer ou maintenir des restrictions numériques relativement à l'admission temporaire aux termes des paragraphes 1 ou 3.

5. Nonobstant le paragraphe 4, une Partie pourra imposer l'obligation d'obtenir un visa ou son équivalent aux hommes et femmes d'affaires qui demandent l'admission temporaire aux termes de la présente section. Auparavant, toutefois, la Partie devra procéder à des consultations avec toute Partie dont les hommes et les femmes d'affaires seraient affectés par cette obligation, en vue d'en éviter l'imposition. Si l'obligation de visa existe déjà, la Partie qui l'impose devra, sur demande, engager des consultations avec toute Partie dont les hommes et les femmes d'affaires y sont soumis, en vue de lever l'imposition.

### **Section B - Négociants et investisseurs**

1. Chacune des Parties accordera l'admission temporaire et remettra des documents confirmatifs à cet effet à un homme ou une femme d'affaires :

- a) qui désire mener un important commerce de produits ou de services principalement entre le territoire de la Partie dont il ou elle est citoyen et le territoire de la Partie visée par la demande d'admission, ou
- b) qui désire, en qualité de superviseur ou de directeur ou pour l'exercice de fonctions exigeant des compétences essentielles, établir, développer ou administrer un investissement ou fournir des conseils ou des services techniques essentiels quant à l'exploitation d'un investissement, au titre duquel il ou elle ou son entreprise a engagé, ou est en train d'engager, une somme importante,

s'il ou si elle satisfait par ailleurs aux prescriptions existantes en matière d'immigration applicables à l'admission temporaire.

2. Aucune des Parties ne pourra :

- a) subordonner l'autorisation d'admission temporaire aux termes du paragraphe 1 à des validations de l'offre d'emploi ou à d'autres procédures ayant un effet similaire, ou



- b) imposer et maintenir des restrictions numériques relativement à l'admission temporaire aux termes du paragraphe 1.
3. Nonobstant le paragraphe 2, une Partie pourra imposer l'obligation d'obtenir un visa ou son équivalent aux hommes et femmes d'affaires qui demandent l'admission temporaire aux termes de la présente section.

### **Section C - Personnes mutées à l'intérieur d'une société**

1. Chacune des Parties accordera l'admission temporaire et remettra des documents confirmatifs à cet effet à un homme ou une femme d'affaires qui est à l'emploi d'une entreprise et qui demande l'admission temporaire pour assurer des services à cette entreprise ou à l'une de ses filiales ou sociétés affiliées, en qualité de gestionnaire ou de directeur ou à un poste exigeant des connaissances spécialisées, à condition que cet homme ou cette femme d'affaires satisfasse par ailleurs aux prescriptions existantes en matière d'immigration applicables à l'admission temporaire. Une Partie pourra exiger que l'homme ou la femme d'affaires ait été à l'emploi de l'entreprise sans interruption durant un an au cours de la période de trois ans précédant la date de la demande d'admission.

2. Aucune des Parties ne pourra :

- a) subordonner l'autorisation d'admission temporaire aux termes du paragraphe 1 à des validations de l'offre d'emploi ou à d'autres procédures ayant un effet similaire, ou
- b) imposer ou maintenir des restrictions numériques relativement à l'admission temporaire aux termes du paragraphe 1.

3. Nonobstant le paragraphe 2, une Partie pourra imposer l'obligation d'obtenir un visa ou son équivalent aux hommes et femmes d'affaires qui demandent l'admission temporaire aux termes de la présente section. Auparavant, toutefois, la Partie devra procéder à des consultations avec toute Partie dont les hommes et les femmes d'affaires seraient affectés par cette obligation, en vue d'en éviter l'imposition. Si l'obligation de visa existe déjà, la Partie qui l'impose devra, sur demande, engager des consultations avec toute Partie dont les hommes et les femmes d'affaires y sont soumis, en vue de lever l'obligation.

### **Section D - Professionnels**

1. Chacune des Parties accordera l'admission temporaire et remettra des documents confirmatifs à cet effet à un homme ou une femme d'affaires qui désire exercer des activités commerciales dans l'une des professions établies à l'appendice



1603.D.1 et qui satisfait par ailleurs aux prescriptions existantes en matière d'immigration applicables à l'admission temporaire, sur présentation :

- a) d'une preuve de citoyenneté d'une Partie,
- b) de documents attestant qu'il ou elle exercera l'une des activités mentionnées et indiquant l'objet de la visite.

2. Aucune des Parties ne pourra :

- a) subordonner l'autorisation d'admission temporaire aux termes du paragraphe 1 à des procédures d'approbation préalable, des requêtes, des validations de l'offre d'emploi ou autres procédures ayant un effet similaire, ou
- b) imposer ou maintenir des restrictions numériques relativement à l'admission temporaire aux termes du paragraphe 1.

3. Nonobstant le paragraphe 2, une Partie pourra imposer l'obligation d'obtenir un visa ou son équivalent aux hommes et femmes d'affaires qui demandent l'admission temporaire aux termes de la présente section. Auparavant, toutefois, la Partie devra procéder à des consultations avec toute Partie dont les hommes et les femmes d'affaires seraient affectés par cette obligation, en vue d'en éviter l'imposition. Si l'obligation de visa existe déjà, la Partie qui l'impose devra, sur demande, engager des consultations avec toute Partie dont les hommes et les femmes d'affaires y sont soumis, en vue de lever l'obligation.

4. Nonobstant les paragraphes 1 et 2, une Partie pourra fixer une limite numérique annuelle, qui devra figurer à l'appendice 1603.D.4, relativement à l'admission temporaire d'hommes et de femmes d'affaires d'une autre Partie qui désirent exercer des activités commerciales dans l'une des professions établies à l'appendice 1603.D.1, à moins que les Parties concernées n'en aient décidé autrement avant la date d'entrée en vigueur du présent accord à leur égard. Lorsqu'elle fixe une telle limite, cependant, la Partie devra consulter l'autre Partie concernée.

5. À moins que les Parties concernées n'en conviennent autrement, la Partie qui fixe une limite numérique en vertu du paragraphe 4 :

- a) devra, après la première année à compter de la date d'application du présent accord, et chaque année par la suite, envisager de relever la limite numérique figurant à l'appendice 1603.D.4 d'un nombre à fixer en consultation avec l'autre Partie concernée, compte tenu du volume des demandes d'admission temporaire présentées aux termes de la présente section;



- b) s'abstiendra d'appliquer les procédures régissant l'admission temporaire établies conformément au paragraphe 1 à l'admission des hommes et femmes d'affaires soumis à la limite numérique, mais pourra exiger que ces hommes ou femmes d'affaires se conforment à ses autres procédures applicables à l'admission temporaire des professionnels; et
- c) pourra, en consultation avec l'autre Partie concernée, accorder l'admission temporaire aux termes du paragraphe 1 aux hommes et femmes d'affaires qui exercent une profession dont les conditions régissant l'accréditation, l'autorisation d'exercer et la reconnaissance professionnelle sont mutuellement reconnues par ces Parties.

6. Aucune disposition des paragraphes 4 et 5 ne sera interprétée comme limitant la capacité d'un homme ou d'une femme d'affaires de demander l'admission temporaire en vertu des mesures d'immigration d'une Partie applicables à l'admission des professionnels, autres que celles adoptées ou maintenues aux termes du paragraphe 1.

7. Trois ans après avoir fixé une limite numérique conformément au paragraphe 4, une Partie devra consulter l'autre Partie concernée en vue d'établir la date à compter de laquelle la limite cessera de s'appliquer.



## **PIÈCE JOINTE « B »**

### **Appendice 1603.A.1 de l'ALENA**

#### **LISTE DES « HOMMES ET FEMMES D'AFFAIRES EN VISITE », POUR LES BESOINS D'UNE ADMISSION TEMPORAIRE**

##### **Recherche et conception**

- Les chercheurs qui, dans les domaines technique, scientifique et statistique, effectuent des recherches pour leur propre compte ou pour celui d'une entreprise située sur le territoire d'une autre Partie.

##### **Culture, fabrication et production**

- Le propriétaire d'une moissonneuse supervisant une équipe de moissonneurs qui a été admise en vertu de la législation applicable.
- Les gestionnaires des achats et de la production qui effectuent des opérations commerciales pour le compte d'une entreprise située sur le territoire d'une autre Partie.

##### **Commercialisation**

- Les chercheurs et analystes spécialistes du marché qui effectuent des travaux de recherche ou d'analyse pour leur propre compte ou pour celui d'une entreprise située sur le territoire d'une autre Partie.
- Le personnel affecté aux foires commerciales ou chargé de la publicité qui prend part à un congrès sur le commerce.

##### **Ventes**

- Les représentants et les agents qui prennent des commandes ou négocient des contrats de produits ou de services pour le compte d'une entreprise située sur le territoire d'une autre Partie sans toutefois livrer lesdits produits ou fournir lesdits services.
- Les acheteurs agissant pour le compte d'une entreprise située sur le territoire d'une autre Partie.



## **Distribution**

- Les opérateurs de véhicules qui transportent des marchandises ou des passagers vers le territoire d'une Partie depuis le territoire d'une autre Partie ou qui chargent et transportent des marchandises ou des passagers depuis le territoire d'une Partie vers le territoire d'une autre Partie, sans décharger sur le territoire de la première Partie.
- Pour ce qui concerne l'admission temporaire sur le territoire des États-Unis, les courtiers en douane du Canada qui effectuent les opérations de courtage associées à l'exportation de marchandises depuis le territoire des États-Unis vers ou via le territoire du Canada.
- Pour ce qui concerne l'admission temporaire sur le territoire du Canada, les courtiers en douane des États-Unis qui effectuent les opérations de courtage associées à l'exportation de marchandises depuis le territoire du Canada vers ou via le territoire des États-Unis.
- Les courtiers en douane qui assurent des services de consultation en vue de faciliter l'importation ou l'exportation de marchandises.

## **Service après-vente**

- Les installateurs, réparateurs, préposés à l'entretien et superviseurs possédant les compétences spécialisées essentielles à l'exécution des obligations contractuelles d'un vendeur, qui assurent des services ou forment des travailleurs à cette fin, en exécution d'une garantie ou de tout autre contrat de service lié à la vente de machines ou d'équipements commerciaux ou industriels, y compris les logiciels, achetés d'une entreprise située à l'extérieur du territoire de la Partie visée par la demande d'admission temporaire, pendant la durée de la garantie ou du contrat de service.

## **Services généraux**

- Les professionnels qui exercent une activité commerciale dans l'une des professions établies à l'appendice 1603.D.1.
- Le personnel de gestion et de supervision qui effectue une opération commerciale pour le compte d'une entreprise située sur le territoire d'une autre Partie.
- Le personnel du secteur des services financiers (agents d'assurance, employés de banque ou courtiers en investissement) qui effectue des opérations



commerciales pour le compte d'une entreprise située sur le territoire d'une autre Partie.

- Le personnel du secteur des relations publiques et de la publicité qui tient des consultations avec des associés, ou qui assiste ou participe à des congrès.
- Le personnel du secteur du tourisme (agents de voyage, guides touristiques ou organisateurs de voyages) qui assiste ou participe à des congrès ou qui est chargé d'un circuit qui a commencé sur le territoire d'une autre Partie.
- Les opérateurs d'autocar qui sont admis sur le territoire d'une Partie :
  - a) avec un groupe de passagers à l'occasion d'un circuit commençant et se terminant sur le territoire d'une autre Partie,
  - b) pour rencontrer un groupe de passagers à l'occasion d'un circuit qui se déroulera en grande partie et se terminera sur le territoire d'une autre Partie,
  - c) à l'occasion d'un circuit avec un groupe de passagers qui sera débarqué sur le territoire de la Partie visée par la demande d'admission temporaire, et qui reviennent à vide ou qui chargent à nouveau ce groupe pour le transporter sur le territoire d'une autre Partie.
- Les traducteurs ou interprètes qui exercent leur profession en qualité d'employés d'une entreprise située sur le territoire d'une autre Partie.

## **Définitions**

Aux fins du présent appendice :

**opérateur d'autocar** s'entend d'une personne physique, y compris le personnel de relève qui accompagne ou qui suit l'autocar, nécessaire à l'exploitation d'un circuit pendant la durée du voyage;

**opérateur de véhicule** s'entend d'une personne physique, autre qu'un opérateur d'autocar, y compris le personnel de relève qui accompagne ou qui suit le véhicule, nécessaire à l'exploitation du véhicule pendant la durée du voyage; et

**territoire d'une autre Partie** s'entend du territoire d'une Partie autre que celui de la Partie visée par la demande d'admission temporaire.



## PIÈCE JOINTE « C »

### Appendice 1603.D.1 DE L'ALENA

#### LISTE DES PROFESSIONNELS POUR LES BESOINS D'UNE ADMISSION TEMPORAIRE

(Extraits)

<b>PROFESSION<sup>1</sup></b>	<b>ÉTUDES MINIMALES REQUISES ET AUTRES TITRES ACCEPTÉS</b>
Divers	
Économiste	Baccalauréat ou Licenciatura
Ingénieur	Baccalauréat ou Licenciatura; ou permis d'un État ou d'une province
Ingénieur forestier	Baccalauréat ou Licenciatura; ou permis d'un État ou d'une province
Concepteur graphique	Baccalauréat ou Licenciatura; ou diplôme ou certificat d'études postsecondaires et trois années d'expérience
Concepteur industriel	Baccalauréat ou Licenciatura; ou diplôme ou certificat d'études postsecondaires et trois années d'expérience
Arpenteur-géomètre	Baccalauréat ou Licenciatura; ou permis d'un État, d'une province ou d'un gouvernement fédéral
Architecte paysagiste	Baccalauréat ou Licenciatura
Avocat (y compris les notaires dans la province de Québec)	LL.B., J.D., LL.L., B.C.L. ou Licenciatura (cinq ans); ou membre du barreau d'un État ou d'une province
Consultant en gestion	Baccalauréat ou Licenciatura; ou expérience professionnelle équivalente par une déclaration ou une attestation professionnelle justifiant d'une expérience de cinq années en tant que consultant en gestion, ou cinq années d'expérience dans une spécialité se rapportant à l'accord de consultation
Mathématicien (y compris les statisticiens)	Baccalauréat ou Licenciatura
Gestionnaire de parcours/agent de protection des parcours	Baccalauréat ou Licenciatura

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<sup>1</sup> L'homme ou la femme d'affaires qui demande l'admission temporaire en vertu du présent appendice peut aussi exercer des fonctions de formation liées à sa profession, ce qui comprend la tenue de séminaires.



Adjoint de recherche (attaché à un établissement d'enseignement postsecondaire)	Baccalauréat ou Licenciatura
Technicien/technologue scientifique <sup>2</sup>	a) connaissance théorique de l'un des domaines suivants : sciences agricoles, astronomie, biologie, chimie, génie, foresterie, géologie, géophysique, météorologie ou physique; et b) capacité de régler des problèmes pratiques dans l'un de ces domaines ou de mettre en pratique les principes de ces domaines au cours de travaux de recherche fondamentale ou appliquée
Sylviculteur (y compris les spécialistes des sciences forestières)	Baccalauréat ou Licenciatura
Rédacteur de publications techniques	Baccalauréat ou Licenciatura; ou diplôme ou certificat d'études postsecondaires et trois années d'expérience
Urbaniste (y compris les géographes)	Baccalauréat ou Licenciatura
<b>Scientifique</b>	
Biochimiste	Baccalauréat ou Licenciatura
Biologiste	Baccalauréat ou Licenciatura
Chimiste	Baccalauréat ou Licenciatura
Géologue	Baccalauréat ou Licenciatura
Géochimiste	Baccalauréat ou Licenciatura
Géophysicien (y compris les océanographes au Mexique et aux États-Unis)	Baccalauréat ou Licenciatura
Météorologue	Baccalauréat ou Licenciatura
Physicien (y compris les océanographes au Canada)	Baccalauréat ou Licenciatura
Pédologue	Baccalauréat ou Licenciatura
<b>Enseignant</b>	
Collège	Baccalauréat ou Licenciatura
Université	Baccalauréat ou Licenciatura

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<sup>2</sup> L'homme ou la femme d'affaires de cette catégorie doit demander l'admission temporaire afin de collaborer directement avec les professionnels des domaines suivants : sciences agricoles, astronomie, biologie, chimie, génie, foresterie, géologie, géophysique, météorologie ou physique.



## PIÈCE JOINTE « D »

### **Article 305 de l'ALENA : Admission temporaire de produits**

1. Chacune des Parties accordera l'admission temporaire en franchise :
  - a) des outils professionnels nécessaires pour l'exercice du métier, de l'occupation ou de la profession d'un homme ou d'une femme d'affaires qui peut obtenir l'admission temporaire conformément au chapitre 16 (Admission temporaire des hommes et des femmes d'affaires),
  - b) des équipements utilisés par la presse, les stations radiophoniques ou les chaînes de télévision, et des équipements cinématographiques,
  - c) des produits importés à des fins sportives et des produits destinés à servir dans une exposition ou une démonstration, et
  - d) des échantillons commerciaux et des films publicitaires,

importés depuis le territoire d'une autre Partie, quelle que soit l'origine de ces produits et sans égard à la question de savoir si des produits similaires, directement concurrents ou substituables, peuvent être obtenus sur le territoire de la Partie.

2. Sauf disposition contraire du présent accord, aucune des Parties ne pourra imposer de conditions pour l'admission temporaire en franchise d'un produit mentionné aux alinéas (1)a), b) ou c), si ce n'est pour exiger que ce produit :
  - a) soit importé par un ressortissant ou un résident d'une autre Partie qui demande l'admission temporaire;
  - b) soit utilisé uniquement par cette personne ou sous sa surveillance personnelle, dans l'exercice de son métier, de son occupation ou de sa profession;
  - c) ne soit pas vendu ou loué pendant qu'il se trouve sur son territoire;
  - d) soit accompagné d'un cautionnement ne dépassant pas 110 p. 100 des frais qui seraient par ailleurs exigibles à l'admission ou à l'importation finale, ou accompagné d'une autre forme de garantie, libérable au moment de l'exportation du produit, sauf qu'un cautionnement pour droits de douane ne pourra être exigé pour un produit originaire;
  - e) soit identifiable au moment de son exportation;
  - f) soit exporté au départ de cette personne ou dans un délai raisonnable compte tenu de l'objet de l'admission temporaire; et



g) soit importé en quantité raisonnable compte tenu de l'utilisation projetée.

3. Sauf disposition contraire du présent accord, aucune des Parties ne pourra imposer de conditions à l'admission temporaire en franchise d'un produit mentionné à l'alinéa (1)d), si ce n'est pour exiger que ce produit :

a) soit importé uniquement dans le dessein d'obtenir des commandes de produits ou de services qui seront fournis depuis le territoire d'une autre Partie ou d'un pays tiers;

b) ne soit pas vendu ou loué, ni utilisé à des fins autres que de démonstration ou d'exposition pendant qu'il se trouve sur son territoire;

c) soit identifiable au moment de son exportation;

d) soit exporté dans un délai raisonnable compte tenu de l'objet de l'admission temporaire; et

e) soit importé en quantité raisonnable compte tenu de l'utilisation projetée.

4. Si une condition qu'elle a imposée aux termes des paragraphes 2 ou 3 n'a pas été observée, une Partie pourra percevoir, à l'égard d'un produit admis temporairement en franchise en vertu du paragraphe 1, le droit de douane et tous autres frais qui seraient exigibles au moment de l'admission ou de l'importation finale de ce produit.

5. Sous réserve des chapitres 1 (Investissement) et 12 (Commerce transfrontières des services) :

a) chacune des Parties permettra qu'un véhicule ou un conteneur utilisé en trafic international et provenant du territoire d'une autre Partie, emprunte, pour quitter son territoire, toute voie répondant raisonnablement à des critères d'économie et de rapidité;

b) aucune des Parties ne pourra exiger un cautionnement, ni imposer une pénalité ou des frais, du seul fait qu'il existe une différence entre le point d'entrée et le point de sortie d'un véhicule ou d'un conteneur;

c) aucune des Parties ne pourra subordonner l'extinction d'une obligation imposée par elle pour l'admission d'un véhicule ou d'un conteneur sur son territoire, notamment la mainlevée d'un cautionnement, au départ de ce véhicule ou de ce conteneur par un point de sortie donné; et

d) aucune des Parties ne pourra exiger que le véhicule ou le transporteur qui apporte un conteneur sur son territoire depuis le territoire d'une autre Partie soit le véhicule ou le transporteur qui emporte ce conteneur vers le territoire d'une autre Partie.



6. Aux fins du paragraphe 5, « véhicule » s'entend d'un camion, d'un tracteur routier, tracteur, tracteur à remorque ou remorque, d'une locomotive, d'un wagon de chemin de fer ou autre matériel roulant ferroviaire.



## PIÈCE JOINTE « E »

### **Extrait du guide des douanes américaines sur l'admission temporaire des produits visés par l'ALENA**

#### **Admission temporaire**

En vertu de l'ALENA, le Canada, le Mexique et les États-Unis sont tenus d'accorder l'admission temporaire en franchise de certaines catégories de produits importés du territoire d'une autre Partie. L'admission en franchise ne peut être subordonnée à la question de savoir si des produits similaires, directement concurrents ou substituables, peuvent être obtenus dans le pays importateur. En plus, les produits n'ont pas besoin d'être originaires de l'une des Parties.

**Certains outils professionnels, matériels de sport et produits destinés à des expositions.** Une personne peut importer temporairement en franchise : des outils professionnels, des équipements utilisés par la presse, les stations radiophoniques ou les chaînes de télévision, des équipements cinématographiques, des matériels de sport et des produits destinés à servir dans une exposition ou une démonstration. Pour autoriser l'admission de ces produits en franchise, chacune des Parties peut exiger qu'ils :

- ne soient ni vendus ni loués sur son territoire;
- soient accompagnés d'une caution si ce ne sont pas des produits originaires selon la définition qui en est donnée au chapitre 4 de l'ALENA;
- ne restent dans le pays importateur que jusqu'au départ de la personne ou durant une période raisonnable fixée par chaque pays;
- soient identifiables au moment de l'exportation;
- soient importés en quantité raisonnable compte tenu de leur utilisation;
- soient importés par un ressortissant ou un résident d'une autre Partie, qui demande l'admission temporaire;
- soient utilisés uniquement par la personne qui les importe ou sous sa surveillance personnelle, dans l'exercice de son métier, de ses occupations et de sa profession.

**Échantillons commerciaux et films publicitaires.** Les échantillons commerciaux et les films publicitaires peuvent également être importés temporairement en franchise. Pour autoriser l'admission en franchise de ces produits, chacune des Parties peut exiger qu'ils :

- soient importés uniquement dans le dessein d'obtenir des commandes de produits ou de services d'un autre pays;



- ne soient pas vendus ou loués, ni utilisés à des fins autres que de démonstration ou d'exposition pendant qu'ils se trouvent sur son territoire;
- soient identifiables au moment de leur exportation;
- soient exportés dans un délai raisonnable compte tenu de l'objet de l'admission temporaire;  
et
- soient importés en quantité raisonnable compte tenu de l'utilisation projetée.

[Source : *NAFTA - A Guide to Customs Procedures*, Department of the Treasury, U.S. Customs Service, Washington D.C. (« U.S. Customs Publication » n° 571, Revised January 1994), page 40.]

DOUANES AMÉRICAINES - LISTE  
TARIFAIRE (2 PAGES)







HARMONIZED TARIFF SCHEDULE of the United States 1983

Repealed for Statistical Reporting Purposes

Repealed 1983

UNITED STATES DEPARTMENT OF COMMERCE

**DOUANES AMÉRICAINES - LISTE  
TARIFAIRE (2 PAGES)**







# HARMONIZED TARIFF SCHEDULE of the United States (1993)

Annotated for Statistical Reporting Purposes

## SUBCHAPTER XIII

### ARTICLES ADMITTED TEMPORARILY FREE OF DUTY UNDER BOND

XC.  
98-3

#### 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 9813.00.30 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 9813.00.30, 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 204(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 execution 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 purses; 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 allowances 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

Heading/ Subheading	Stat. Suf- fix	Article Description	Units of Quantity	Rates of Duty		
				1		2
				General	Special	
9813.00.33	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>12/1/94</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 sejourning 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



**PIÈCE JOINTE « F »**

**Trousse d'information des États-Unis sur les services aériens spécialisés (procédures, règlements et demande d'autorisation « 375 »)**

TROUSSE D'INFORMATION  
DES ÉTATS-UNIS







Specialty Air Services  
Information Packet

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

**TROUSSE D'INFORMATION  
DES ÉTATS-UNIS**







# 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).<sup>1</sup>

### 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."<sup>2</sup> 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

<sup>1</sup> 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."

<sup>2</sup> 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.<sup>3</sup>

### 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.

<sup>3</sup> 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.<sup>4</sup> 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.

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<sup>4</sup> 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.
- 375.23 Maximum allowable weights.
- 375.24 Entry and clearance.
- 375.25 Unauthorized operations.
- 375.26 Waiver of sovereign immunity.

### 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.
- 375.34 Indoctrination training.
- 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 payload charters.
- 375.43 Application for foreign aircraft permit.
- 375.44 Issuance of permit.
- 375.45 Records and reports of occasional payload charters.

#### Sec.

### Subpart F—Transit Flights.

- 375.50 Transit flights: scheduled international air service operations.

### Subpart G—Penalties

- 375.60 Penalties.

### Subpart H—Special Authorization

- 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.



## § 375.2

"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 or 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



## § 375.43

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



## § 375.60

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 809 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)

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

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.

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):



## PIÈCE JOINTE « G »

### POINTS DE CONTACT - É.- U.

#### GOUVERNEMENT DES ÉTATS-UNIS

#### DEMANDES FAITES DANS LE CADRE DE L'ALENA (Autorisation « 375 »)

M. George Wellington (Chief),  
M<sup>me</sup> Barbara Cameron,  
Foreign Air Carrier Licensing Division,  
P-45, Office of International Aviation,  
U.S. Department of Transportation,  
Washington D.C., États-Unis  
Tél : (202) 366-2398  
Télécopieur : (202) 366-3694

#### FAA

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

#### DOUANES

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

(Pour obtenir une assistance technique au sujet de la législation douanière et des dispositions de l'ALENA sur l'importation de produits aux États-Unis -- 8 h à 17 h (heure de l'est) du lundi au vendredi.)



## AMBASSADES ET CONSULATS DES ÉTATS-UNIS AU CANADA

### Ambassade des États-Unis

100, rue Wellington

Ottawa

Tél : (613) 238-5335

Télécopieur : (613) 238-8750

Section consulaire

85, rue Albert, Ottawa

Tél : (613) 238-8968

### Consulats des États-Unis

#### Calgary :

615, Macleod Trail S.E.,

Pièce 1050

Tél : (403) 266-8962

#### Halifax :

Suite 910, Cogswell Tower

Scotia Square

Tél : (902) 429-2480

#### Montréal :

455, boulevard René Lévesque

Tél : (514) 281-1886

#### Québec :

1, rue Sainte-Geneviève

2, Place Terrasse Dufferin

Tél : (418) 692-2095

#### Toronto :

360, University Ave

Tél : (416) 595-1700

#### Vancouver :

1075, West Georgia Street

Tél : (604) 685-4311



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)

## 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

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



# 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. Vorr  
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 Auja  
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)



Seattle

Mr. M. M. ...  
Consulate General  
1000 ...  
Seattle, Washington 98101-1288

Mr. Robert O. ...  
Consulate General  
1000 ...  
Seattle, Washington 98101-1288

Mr. Robert O. ...  
Consulate General  
1000 ...  
Seattle, Washington 98101-1288

Mr. Robert O. ...  
Consulate General  
1000 ...  
Seattle, Washington 98101-1288

U.S. Virgin Islands  
1000 ...  
Seattle, Washington 98101-1288

Chicago

Mr. Robert O. ...  
Consulate General  
1000 ...  
Chicago, Illinois 60601

Mr. Robert O. ...  
Consulate General  
1000 ...  
Chicago, Illinois 60601

Mr. Robert O. ...  
Consulate General  
1000 ...  
Chicago, Illinois 60601

Mr. Robert O. ...  
Consulate General  
1000 ...  
Chicago, Illinois 60601

Mr. Robert O. ...  
Consulate General  
1000 ...  
Chicago, Illinois 60601

New York

Mr. Robert O. ...  
Consulate General  
1000 ...  
New York, New York 10001

Mr. Robert O. ...  
Consulate General  
1000 ...  
New York, New York 10001

Mr. Robert O. ...  
Consulate General  
1000 ...  
New York, New York 10001

Mr. Robert O. ...  
Consulate General  
1000 ...  
New York, New York 10001

Mr. Robert O. ...  
Consulate General  
1000 ...  
New York, New York 10001



**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



U.S. Consulates

Calgary:  
612 Macleod Trail S.E.  
Room 1030  
Tel: (403) 266-2062

Hallifax:  
Suite 910, Cogswell Tower  
Scotiabank Centre  
Tel: (902) 439-2480

Montreal:  
455 Rue de Lavergne Blvd  
Tel: (514) 381-1826

Quebec:  
1 Rue, Concorde St  
2 Place Jeanne D'Arc  
Tel: (418) 682-2082

Toronto:  
300 University Ave  
Tel: (416) 392-1700

Vancouver:  
1075 West Georgia Street  
Tel: (604) 682-4311



## **PIÈCE JOINTE « H »**

### **POINTS DE CONTACT -- MEXIQUE**

#### **MINISTÈRE DES TRANSPORTS**

Ministère des Communications et des Transports  
Direction générale de l'aéronautique civile  
Section des transports aériens internationaux  
Providencia No. 807, 2o. Piso  
Col. del Valle  
Delegación Benito Juárez  
03100 Mexico

#### **DEMANDES FAITES DANS LE CADRE DE L'ALENA**

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

Tél : (525) 687-7680  
523-6740

Télécopieur : (525) 523-4751

#### **AMBASSADE DU CANADA**

M. Donald MacKay  
Premier secrétaire (Commerce)  
Calle Schiller No. 529  
Colonia Rincon del Bosque  
11580 Planco, Mexico, Mexique  
Tél : (011-525) 724-7900  
Télécopieur : (011-525) 724-7982







# LISTE DE PERSONNES À CONSULTER À LA COMMISSION MEXICAINE DE L'AVIATION CIVILE









## 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 Programación 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: 533-7670/7940  
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, Gro.  
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  
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**PIÈCE JOINTE « I »**

**MEXIQUE : TROUSSE D'INFORMATION ET PROCÉDURES DE PRÉSENTATION  
DES DEMANDES**

(communiquées par le gouvernement mexicain)







## **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.



ANNEX V  
VI PART  
Article 25, Chapter III of the Customs Act reads as follows:  
CHAPTER III  
TRANSIT

Article 25. (1) Goods which are transported from one country to another and which are not intended for consumption in either of the countries concerned shall be transported under a transit document issued by the customs authorities of the country of origin.

(2) Goods which are transported from one country to another and which are not intended for consumption in either of the countries concerned shall be transported under a transit document issued by the customs authorities of the country of origin.

(3) Goods which are transported from one country to another and which are not intended for consumption in either of the countries concerned shall be transported under a transit document issued by the customs authorities of the country of origin.

(4) Goods which are transported from one country to another and which are not intended for consumption in either of the countries concerned shall be transported under a transit document issued by the customs authorities of the country of origin.



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<b>Board Representatives to Airlines</b>	784 27 63 762 23 79	
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<b>Enrique Mora y Medrano</b> National Air Transport Department	523 73 67	282
<b>Delia E. Castellanos Saavedra</b> Documentation and OACI Standards	523 99 80	246
<b>Alejandro Solana Ortiz</b> Offences Department	523 94 29	215
<b>Guadalupe Hernández García</b> Aircraft and Airline Registry	523 45 38	210
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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.



**PHOTOGRAPHIC 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.



## PIÈCE JOINTE « J »

• March 1994 •

### ADMISSION TEMPORAIRE DES HOMMES ET FEMMES D'AFFAIRES - MEXIQUE

GETTING YOUR PAPERS IN ORDER

## Temporary Entry for Business People

Canadian citizens are the fortunate possessors of being able to travel to the United States or Mexico in vacation without need for a valid passport. However, the United States, with the most stringent documentation, and Mexico nearly require identification and completion of a tourist card printed on either side of the border when departing.

However, business people returning to Mexico who may happen to lack one or business travellers should be very careful to comply with the requirements. Despite the string of rules governing visitors under the NAFTA, there is a chance that such strict measures can be waived if entry was for business purposes.

Officials usually do require travellers to complete the requirements of Mexico and the U.S. entry during other country.

In the case of Mexico, if a tourist travels in and a form signed by the FBI, the Immigration and Customs and Border Protection (I-94) is what most people need to enter the United States. But for most business people, a valid state-issued driver's license will be sufficient. However, the FBI document is required. This is available from the U.S. Consulate in Mexico, or from the nearest U.S. Consulate in Mexico, Toronto, Montreal, Quebec, City or to the Embassy in Ottawa for those who live in the

eastern part of the country. In some cases, the Canadian government will accept a passport, but not a driver's license.

The documentation needed for an I-94 includes:

- a passport
- two photos of the individual
- a valid Canadian passport
- a letter from an employer certifying that the person's activities will be while in Mexico, and by whom he/she will be paid and payment of a round trip.

Those who apply by mail are required that the above-mentioned items be submitted in person.

For more information, contact the nearest U.S. Consulate or the U.S. Embassy in Mexico.

## The Exporter's Best Friend

The U.S. has been a major market for Canadian exports for many years. In fact, the U.S. is the largest market for Canadian exports. The U.S. has a long history of trade with Canada, and the U.S. has been a major market for Canadian exports for many years. In fact, the U.S. is the largest market for Canadian exports. The U.S. has a long history of trade with Canada, and the U.S. has been a major market for Canadian exports for many years.

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eastern part of the country. In some cases, the Canadian government will accept a passport, but not a driver's license.

The fee for the I-94 is currently U.S. \$75 (C\$175). The fee will be waived to the applicant in Canadian dollars, but is required at the beginning of each month based on current exchange rates.

The applicant is now not required to show a valid passport signed by the U.S. Department of State without the correct entry papers may not be

Accepted by the U.S. Embassy

For more information, contact the nearest U.S. Consulate or the U.S. Embassy in Mexico.

## The Exporter's Best Friend

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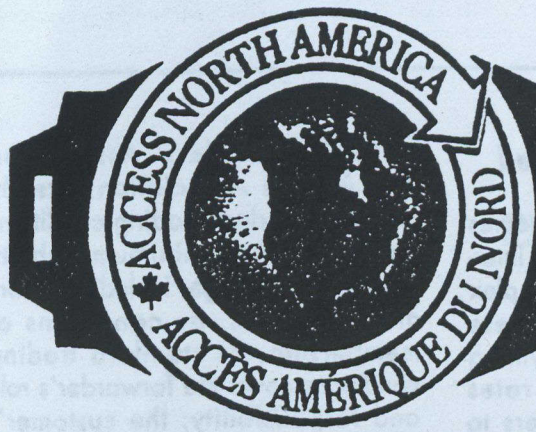
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# Access

• 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

Continued on Page II - Freight



## **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. transborder 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 (CIFFA). 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

## **Temporary Entry** – from page 1

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.



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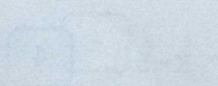
Mr. Paul Soper  
 Trade Commissioner  
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Mr. Robert Soper  
 Trade Commissioner  
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Mr. Michael Soper  
 Trade Commissioner  
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Mr. James Soper  
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Mr. David Soper  
 Trade Commissioner  
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