

## VOLUME 12 INTERNATIONAL AVIATION

### CHAPTER 4 PART 129 OPERATIONS

#### Section 7 Inactive Operations Specification Paragraphs

##### 7.1 GENERAL.

**7.1.1 Purpose.** This section provides Federal Aviation Administration (FAA) policy requirements and aviation safety inspector (ASI) guidance pertaining to the lack of use and/or operational inactivity of operations specifications (OpSpecs) issued to foreign air carriers under Title 14 of the Code of Federal Regulations (14 CFR) part 129.

**7.1.2 Scope.** This section is applicable to all FAA Flight Standards Service (FS) personnel and International Field Offices (IFO) having responsibilities associated with part 129 foreign air carrier activities and international aviation operations.

##### 7.1.3 Program Tracking and Reporting Subsystem (PTRS) Activity Codes.

- a) Operations: 1622.
- b) Maintenance: 3627, 3637, 4635.
- c) Avionics: 5627, 5637, 6635.

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**7.1.4 Regulatory References.** All regulatory references in this section are found in 14 CFR unless otherwise indicated.

**7.2 DEFINITIONS.** See Volume 12, Chapter 1, Section 1, Definitions, Abbreviations, and Acronyms, for information associated with this section.

##### 7.3 INACTIVE OPSPEC PARAGRAPHS.

a) General. The United States, as a Member State of the International Civil Aviation Organization (ICAO), has an obligation to establish a program with procedures for the surveillance of foreign air carrier operations within U.S. airspace and to take appropriate action when necessary to preserve safety (refer to ICAO Annex 6, Part I).

1) The FAA sets out minimum surveillance requirements for foreign air carriers operating to the United States and foreign air carriers and foreign persons operating U.S.-registered aircraft solely outside the United States. These requirements are found in FAA Order 1800.56, National Flight Standards Work Program Guidelines.

2) At the responsible IFO's discretion, part 129 foreign air carriers and foreign persons who have not conducted operations under part 129 for a period of 12 calendar-months (3 years for certain foreign air carriers) will not be permitted to maintain their part 129 OpSpec authorization.

3) After such prolonged inactivity, the FAA is not able to determine whether the foreign air carrier continues to meet the applicable requirements of part 129 on which the FAA granted the OpSpecs authorization. Safety in air commerce and the public interest may require an amendment, suspension, or termination of the foreign air carrier's OpSpecs in accordance with part 129, § 129.11.

4) For example, during the period of inactivity, the FAA would not have conducted:

- Surveillance of the foreign air carrier to ensure that it maintains compliance with the safety standards required by their OpSpecs (see Volume 12, Chapter 4, Section 11); and
- An annual audit of a foreign air carrier or foreign person's approved maintenance program under § 129.14 to ensure that the foreign air carrier or foreign person is maintaining the U.S.-registered aircraft it operates in accordance with a program approved by the Administrator in the OpSpecs. Therefore, allowing an inactive air carrier to continue to hold part 129 OpSpecs would prevent the FAA from effectively carrying out its safety oversight responsibilities.

b) Rendering OpSpecs Inactive. Conditions under which OpSpecs may be rendered inactive include the following:

1) Inactive State of the Operator Air Operator Certificate (AOC)/OpSpecs. The foreign State of the Operator has rendered the AOC/OpSpecs of the airline invalid.

2) Lack of Scheduled Operations. The foreign air carrier or foreign person has not conducted any flights within or outside the United States for more than 12 calendar-months.

3) Lack of Nonscheduled Operations. A nonscheduled foreign air carrier has not operated within the United States in the preceding:

- Twelve calendar-months for a foreign air carrier utilizing aircraft type certificated (TC) for 10 or more seats; or
- Three years for a foreign air carrier utilizing aircraft TC'd for nine or fewer seats.

4) Missing Documentation. The foreign air carrier or foreign person who operates U.S.-registered aircraft has failed to provide the principal inspector (PI) with the requested documentation necessary for the PIs to conduct an annual desk audit of the foreign air carrier's or foreign person's FAA-approved maintenance program under § 129.14.

5) Bankruptcy Proceedings. The foreign air carrier or foreign person is the subject of bankruptcy proceedings.

6) Lack of Personnel or Equipment. The foreign air carrier or foreign person does not have the necessary personnel or equipment to conduct the operations listed in its OpSpecs.

c) IFO Process. The responsible IFO will see Volume 12, Chapter 4, Section 12 for policy guidance on termination of a part 129 foreign air carrier's or foreign person's OpSpecs. PIs must direct any questions regarding termination of OpSpecs (due to inactivity) to their IFO management team and to the International Field Office Management Branch.