

VOLUME 12 INTERNATIONAL AVIATION

CHAPTER 4 PART 129 OPERATIONS

Section 7 FAA Action on Foreign Air Carrier Inactivity

Source Basis:

- **Section 129.5, Operations Specifications.**
- **Section 129.7, Application, Issuance, or Denial of Operations Specifications.**
- **Section 129.9, Contents of Operations Specifications.**
- **Section 129.11, Amendment, Suspension and Termination of Operations Specifications.**
- **Administrative.**

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 Safety Assurance System (SAS) Activity Recording (AR) Codes.

- a) Operations: 1327, 1622.
- b) Maintenance: 3627, 3637, 4635.
- c) Avionics: 5627, 5637, 6635.

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) Minimum Surveillance Requirements. 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 Volume 12, Chapter 4, Section 10.

2) Prolonged Inactivity. Holders of part 129 OpSpec authorizations who have not conducted operations to the United States under part 129 for an extended period may have their part 129 OpSpec authorizations amended, suspended, terminated, or revoked. After 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 OpSpec authorization. During periods of inactivity, the FAA would not have the opportunity to conduct ramp inspections to ensure that the foreign air carrier maintains compliance with international safety standards. For timelines, see subparagraphs a)3)ii, iii, and iv.

3) Amending, Suspending, Terminating, or Revoking OpSpecs Due to Inactivity. IFO principal inspectors (PI) should use critical thinking and risk-based decision making and consider relevant factors for each foreign air carrier on a case-by-case basis. There are certain conditions under which the IFO PI should consider an action to amend, suspend, terminate, or revoke the foreign air carrier's part 129 OpSpecs due to inactivity:

i. 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. For timelines, see subparagraphs a)3)ii, iii, and iv.

ii. Lack of Scheduled Operations. Foreign air carriers authorized for scheduled operations who have not conducted service to the United States within the preceding 12 calendar-months.

iii. Lack of Charter (Nonscheduled) Operations. Foreign air carriers authorized for charter (nonscheduled) operations who have not conducted service to the United States in the preceding:

- 12 calendar-months for a foreign air carrier utilizing large or turbojet aircraft; or
- 36 calendar-months for a foreign air carrier utilizing small aircraft.

iv. State of the Operator is International Aviation Safety Assessment (IASA) Category 2. See Volume 12, Chapter 4, Section 4, OpSpec C083.

v. Missing Documentation. The foreign air carrier or foreign person who operates U.S.-registered aircraft has failed to provide the 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 part 129, § 129.14. For timelines, see subparagraphs a)3)ii, iii, and iv.

vi. 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.

— For timelines, see subparagraphs a)3)ii, iii, and iv.

vii. Department of Transportation (DOT) Action. An action taken by the DOT's Office of the Secretary of Transportation (OST) may result in circumstances that could justify the amendment, suspension, termination, or revocation of part 129 OpSpecs (e.g., an order disapproving schedules or an order suspending the authority of foreign air carrier(s) and/or foreign civil aircraft operator(s) to navigate to/from/within the United States). For timelines, see subparagraphs a)3)ii, iii, and iv.

b) IFO Process. Review Volume 12, Chapter 4, Section 12 for policy guidance on the amendment, suspension, termination, or revocation of a part 129 foreign air carrier's or foreign person's OpSpecs. Persons engaged in management of OpSpecs should direct questions regarding amendment, suspension, termination, or revocation of OpSpecs (due to inactivity) to the applicable IFO management team for coordination with the International Field Office Management Branch (AFS-54).