FEDERATED STATES OF MICRONESIA

CIVIL AVIATION REGULATIONS

PART 10 — COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS WITHIN FSM

VERSION 2.8

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AMENDMENTS

Location	Date	Description
Introduction	8/6/2006	Additional descriptive text added
Introduction	11/2012	Added list of primary references
Introduction	11/2014	Updated list of primary references
10.1.1.2	11/2012	Added new definitions of: operator; remote pilot; and remotely piloted aircraft
10.1.1.2	11/2014	Moved definitions to MCAR Part 1
10.1.1.3	11/2012	Added new abbreviation for RPA
10.1.1.5	12/2004	"Specific Operating Provisions" changed to "Operations Specifications"
10.1.1.5	8/6/2006	Deleted text as the same subject of operations specifications is addressed in 10.1.1.8. Reserved paragraph 10.1.1.5 to avoid renumbering.
10.1.1.5	11/2012	New paragraph (d) added to refer to the associated IS
10.1.1.6-10.1.1.9	12/2004	New subsections
10.1.2.2(a)(3) – (7)	12/2004	New subsections
10.1.1.2	8/6/2006	Editorials made to the title and to item (a)
10.1.1.5	5/25/2010	Added new text and note
10.1.1.5	11/2013	Item (d) – added clarifying IS location; Item (e) - new
10.1.3.2	8/6/2006	New text added to reflect ICAO Annex amendment
10.1.3.3	8/6/2006	Title revised to reflect ICAO Annex amendment
10.1.4.1	8/6/2006	Rewrote paragraph to reflect all flight rule instead of just approach and landing
10.1.5	8/6/2006	New section on flight crew requirements
10.2	9/1/2006	New subsection title of operations specifications added with former paragraphs 10.1.1.6 through 10.1.1.9 included
10.2	5/25/2010	Subsection title changed
10.2.1.1	5/25/2010	Title revised and Reference change
10.2.1.1	9/29/2011	Added and revised text
10.2.1.2	9/29/2011	New Section – Conditions for the issuance of a Document of Authorisations, Conditions, and Limitations
10.2.1.3	9/29/2011	New Section – Issuance of a Document of Authorisations, Conditions, and Limitations
10.2.1.4	9/29/2011	New Section – Contents of Document of Authorisations, Conditions, and Limitations
10.3	9/1/2006	New numbering for former documents subsection of 10.1.2, renamed to documentation, and paragraphs 10.1.2.5 through 10.1.2.5
10.3.1.2(a)(4), (7)	9/29/2011	Added text
10.4	9/1/2006	New title and numbering and combining of subsection of performance at former

Location	Date	Description
		paragraph 10,1.3 and operations at former paragraph 10.1.4
10.4.1.2(b)(2)	9/27/2011	Added text
10.5	9/1/2006	Renumbering of new text on flight crew member qualifications from 10.1.5
10.6	9/1/2006	Renumbering of security subsection from 10.2
10.7	9/1/2006	Renumbering of dangerous good subsection from 10.3
10.7.1.3	5/25/2010	Added new text
10.8	11/2012	New Subpart for remotely piloted aircraft based on ICAO Annex 2 amendment
10.8.1.1	11.2012	New subsection for foreign operator application to operate remotely piloted aircraft
IS: 10.1.1.5	5/29/2011	New IS Section: Authority to Inspect
IS: 10.1.1.5	11/2012	Added new (d) and updated the Foreign Operator Ramp Inspection Checklist to revised ICAO Doc 8335
IS: 10.1.1.5	11/2013	Item (d) Corrected a reference on the form in blocks 8 and 9; Item (e) – new table
IS: 10.2.1.1	5/25/2010	New Section: Requirements for Application by Foreign Operator for Approval to Operate into the Territory of State
IS: 10.2.1.1	11/2012	Editorial in title; editorial in form Section 1A(3)
IS: 10.2.1.1	11/2013	Editorial Revisions to the form in page 2
IS: 10.2.1.2	5/29/2011	New IS Section – Conditions for the Issuance of a Document of Authorisations, Conditions and Limitations
IS: 10.8.1.1	11/2012	New IS and form
IS: 10.8.1.1	11/2013	Editorial updates to the form to clarify directions

INTRODUCTION

Each contracting State is empowered under the Convention on International Civil Aviation (Convention) to set the terms for entry and flight operations into, from or within that State. Ordinarily, flights in international commercial air transport are allowed into a contracting State under the terms and authority of international agreements granting the economic permission to operate into, from or within that contracting State. Such agreements require the safe operation of such aircraft. As a result, the Civil Aviation Authority (CAA) of the contracting State in which the aircraft is registered and the Civil Aviation Authority of the contracting State that issues the Air Operator Certificate to the air operator are responsible under the Convention for the safe operation of each aircraft that is allowed to conduct commercial air transport into, from or within FSM[1].

Part 10 is used to set forth the terms and conditions under which FSM will carry out both its aviation safety responsibility to its own citizens and to assure the safe operation, airworthiness and aircrew qualifications of foreign air operators it allows into FSM territory as mandated by the Convention and that contracting State's laws and regulations. The requirements placed upon such air operators in this Part are directly related to each contracting State's responsibility to assure that its air operators engaged in international commercial air transport adhere to standards set forth in applicable ICAO Annexes and those special conditions existing within FSM that FSM notes to ICAO as differences from the Annex requirements, and special conditions within FSM that it reports in publications like the Airman's Information Manuals and Publications. Each air operator engaged in international commercial air transport must be made aware of those requirements that FSM places on the air operator as conditions to gain or maintain permission to operate into, from or within FSM. Part 10 also recognises the responsibilities of each contracting State whose CAA regulates such air operators by making such CAA's are aware of the terms and conditions that FSM will require of those air operators.

Part 10 gives deference to, and emphases the responsibilities existing between all contracting States to adhere to international standards under the Convention respecting the safety regulation of its air operators, of the aircraft on its registry, and the licensing of its crew operating those aircraft. The alternative would be for FSM to address aviation safety solely with the air operator, which would amount to an attempt to directly regulate the foreign air operator in violation of the Convention.

The primary references sources used in Part 10 are: ICAO Annex 2, Appendix 4; ICAO Annex 6, Parts I and III; and ICAO Doc 8335. The versions of ICAO Annexes used are: ICAO Annex 2, Amendment 43; ICAO Annex 6, Part I, Amendment 37-A and B; and ICAO Annex 6, Part III, Amendment 18-A and B.

[1] Although most international commercial operators in a contracting State have a single CAA that looks after the airworthiness and validity of crew licences for aircraft registered in that State, and also issues the Air Operator's Certificate. However, it is best to consider the State of Registry and the State issuing the Air Operator's Certificate as separate entities until the actual situation respecting leases or arrangements is fully determined.

CONTENTS

PART 10—COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS WITHIN FSM 1

10.1 General 1

10.1.1.1 Applicability 1
10.1.1.2 Definitions 1
10.1.1.3 Abbreviations 1
10.1.1.4 Compliance 1
10.1.1.5 Authority to Inspect 1

10.2 Approval to Operate in the Territory of FSM 2

10.2.1.1 Requirements for Application by Foreign Air Operators for Approval to Operate Into the Territory of FSM 2
10.2.1.2 Conditions for the Issuance of a Document of Authorisations, Conditions, and Limitations 3
10.2.1.3 Issuance of a Document of Authorisation, Conditions, and Limitations 5
10.2.1.4 Contents of a Document of Authorisatons, Conditions, and Limitations 5
10.2.1.5 Continued Validity of a Document of Authorisatons, Conditions, and Limitations 6

10.3 Documents 6

10.3.1.1 Foreign Air Operator's Aircraft Technical Log 6
10.3.1.2 Air Operator Manuals, Documents and Flight Crew Licences to be Carried 6
10.3.1.3 Additional Information and Forms to be Carried 7
10.3.1.4 Production of Documentation, Manuals and Records 7
10.3.1.5 Preservation, Production and Use of Flight Recorder Recordings 8

10.4 Operations and Performance 8

10.4.1.1 Computation of Passenger and Baggage Weights 8
10.4.1.2 Single-Engine Aeroplanes at Night or in IMC 8
10.4.1.3 Single Pilot Operations Under IFR or at Night 9
10.4.1.4 Flight Rules Within FSM 9

10.5 Flight Crew Member Qualifications 9

10.5.1.1 General 9
10.5.1.2 Age Limitations 9
10.5.1.3 Language Proficiency 9

10.6 Security 10

10.6.1.1 Aircraft Security 10
10.6.1.2 Unauthorised Carriage 10

10.7 Dangerous Goods 10

10.7.1.1 Offering Dangerous Goods for Transport by Air 10
10.7.1.2 Carriage of Weapons of War and Munitions of War 11
10.7.1.3 Carriage of Sporting Weapons and Ammunition 11

10.8 Approval to Operate Remotely Piloted Aircraft (RPA) in the Territory of FSM 11

10.8.1.1 Requirements for application by foreign persons or operators for approval to operate remotely piloted aircraft (RPA) into the territory of FSM 11

PART 10 — IMPLEMENTING STANDARDS 3

IS: 10.1.1.5 Authority to Inspect 3
IS: 10.2.1.1 Requirements for the Application by Foreign Air Operators for Approval to Operate into the Territory of State 23

IS: 10.2.1.1(b) Safety Clause Example 25
IS: 10.2.1.2 Conditions for the Issuance of a Document of Authorisations, Conditions and Limitations 25
IS 10.8.1.1 Requirements For Application By Foreign Persons Or Operators For Approval To Operate Remotely Piloted Aircraft (RPA) Into The Territory Of FSM 27

Part 10—Commercial Air Transport by Foreign Air Operators Within FSM

10.1 GENERAL

10.1.1.1 APPLICABILITY

(a) This regulation prescribes requirements applicable to the operation of any civil aircraft, including aeroplane or helicopter, for —

(1) The purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and;

(2) Controlled by a civil aviation authority other than FSM.

(b) Part 10 does not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

Chicago Convention, Articles 3, 5, 6

10.1.1.2 DEFINITIONS

(a) Definitions are contained in MCAR Part 1.

10.1.1.3 ABBREVIATIONS

(a) The following abbreviations are used in Part 10:

(1) AFM – Aeroplane Flight Manual;

(2) AOC – Air Operator Certificate;

(3) AOM – Aeroplane Operating Manual;

(4) MEL – Minimum Equipment List;

(5) RFM – Rotorcraft Flight Manual;

(6) RPA – Remotely Piloted Aircraft.

10.1.1.4 COMPLIANCE

(a) A foreign air operator may not operate an aircraft in commercial air transportation operations in FSM contrary to the requirements of—

(1) Part 10;

(2) Applicable paragraphs of Parts 7 and 8;

(3) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and

(4) Any other requirements that the Authority may specify.

ICAO Annex 6: Part 1, 3.2.1; 3.2.2;4.2.2.3
ICAO Annex 6, Part III, Section I: 1.2.1; 1.2.2; Section II: 2.2.2.3
Chicago Convention, Articles 6 and 12

10.1.1.5 AUTHORITY TO INSPECT

(a) A foreign air operator shall ensure that any person authorised by the Authority, will be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to FSM —

(1) To inspect the documents and manuals required by this Part;

(2) To conduct an inspection of the aircraft;

(3) To take appropriate action when necessary to preserve safety.

(b) When a State identifies a case of non-compliance or suspected non-compliance by a original operator with laws, regulations and procedures applicable within that State's territory, or a similar serious safety issue with that operator, that State shall immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different, such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

(c) In the case of notification to States as Specified in subpart (b), if the issue and its resolution warrant it the State in which the operation is conducted shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

(d) Inspections shall be conducted in accordance with the requirements and checklist contained in IS: 10.1.1.5 at paragraph (d).

(e) Findings from inspections shall be resolved in accordance with the table contained in IS: 10.1.1.5 at paragraph (e).

Note: The Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335) provides guidance on the surveillance of operations by foreign operators. The manual also contains guidance on the consultations and related activities, as specified in this part, including the ICAO model clause on aviation safety, which if included in a bilateral or multilateral agreement, provides for consultations among States, when safety issues are identified by any of the parties to a bilateral or multilateral agreement of air service.

ICAO Annex 6: Part 1, 3.2.1, 3.2.2
ICAO Annex 6, Part III: Section II: 1.2.1; 1.2.2
Chicago Convention, Article 1

10.2 APPROVAL TO OPERATE IN THE TERRITORY OF FSM

10.2.1.1 REQUIREMENTS FOR APPLICATION BY FOREIGN AIR OPERATORS FOR APPROVAL TO OPERATE INTO THE TERRITORY OF FSM

(a) A foreign air operator from the territory of another state shall not operate an aircraft in FSM unless it is so authorised by the [Authority of] and holds an associated Document of Authorisations, Conditions, and Limitations issued to it by the [Authority of].

(b) When an air operator wishes to apply to operate in FSM it shall—

(1) Make such application to the Authority in the form and manner prescribed;

(2) See IS: 10. 2.1.1(a) for the Foreign Operator's Application Form.

(c) An application for approval to operate into the territory of FSM shall be accompanied by—

(1) A certified true copy of a valid (AOC) and associated operations specifications issued to the foreign air operator by the Foreign Authority;

(2) A copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in FSM;

(3) A copy of the current aircraft Certificate of Registration and airworthiness certificate issued for the aircraft types proposed to be operated by the air operator in FSM;

(4) A copy of the insurance certificate;

(5) A copy of the operational procedures and practices of the operator;

(6) A copy of a document identifying the maintenance checks that are required to be carried out for aircraft of the air operator while they are operated in FSM;

(7) A copy of the maintenance contract between the air operator and the Approved Maintenance Organisation, where the maintenance under subparagraph (g), is carried out by an Approved Maintenance Organisation approved by the foreign authority;

(8) A copy of the air service agreement, with safety clause, allowing the foreign air operator to operate in FSM. See IS: 10. 2. 1.1(b) for an example of the referenced air service agreement safety clause;

(9) In the cases of wet leased aircraft: a copy of the approval of the CAA of the State of the operator, with identification of the operator that exercises operational control of the aircraft;

(10) A proposed Aircraft Operator Security Programme for the foreign air operator who does not hold an Air Operator Certificate issued by the Authority which meets the requirements of the Civil Aviation Regulations, for the acceptance and subsequent approval of the Authority; and

(11) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(d) An applicant under these Regulations shall apply for the initial issue of a foreign air operator Operations Specifications at least ninety days before the date of commencement of intended operation.

ICAO Doc. 8335 5th Edition, Part VI, Chapter 1: 1.2, 1.4; Chapter 2: 2.1, 2.2
14 CFR 129.11, 129.13, 129.14

10.2.1.2 CONDITIONS FOR THE ISSUANCE OF A DOCUMENT OF AUTHORISATIONS, CONDITIONS, AND LIMITATIONS

(a) The Director may recommend that the [Authority] issue a Document of Authorisations, Conditions and Limitations to a foreign air operator to conduct commercial air operations in FSM where the Director is satisfied and has confidence in —

(1) The validity of the certificates and licences associated with the operator;

(2) The operator's personnel and aircraft;

(3) The operational capabilities of the operator; and

(4) The level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority.

(b) See IS: 10.2.1.2 for the process to be used for evaluating the conditions stipulated under (a) (1) through (4).

(c) No foreign air operator may commence commercial air transport operations in and to FSM until the Operations Specifications have been issued.

ICAO Annex 6, Part 1, 4.2.2.1; 4.2.2.3
ICAO Annex 6, Part III, Section III: 2.2.2.1; 2.2.2.3

ICAO Doc. 8335, 5th Edition Part VI, Chapter 3:3.1
Chicago Convention, Article 6
14 CFR 129.11

10.2.1.3 ISSUANCE OF A DOCUMENT OF AUTHORISATION, CONDITIONS, AND LIMITATIONS

(a) The authority may issue a Document of Authorisation, Conditions and Limitations to a foreign air operator applicant —

(1) Following approval of the foreign air operator's application form to operate into the territory of FSM;

(2) Upon a satisfactory administrative review of the documentation provided by the foreign air operator under 10.2.1.1 (c) and (d); and

(3) When it has established bilateral or multilateral agreements with the State of the Operator that includes in the agreement the safety clause referenced under 10.2.1.1 (c) (5); or

(4) When it has not established bilateral or multilateral agreements with the State of the Operator the [Authority of] receives no significant safety findings or major deficiencies form available safety related information relevant to the foreign air operator.

ICAO Doc. 8335, 5th Edition Part VI, Chapter 4: 4.1, 4.2

10.2.1.4 CONTENTS OF A DOCUMENT OF AUTHORISATONS, CONDITIONS, AND LIMITATIONS

(a) A Document of Authorisation, Conditions and Limitations is issued to foreign air operators for elements not listed in the operator's AOC and associated operations specifications but considered necessary for compatible operations within FSM.

(1) A Document of Authorisations, Conditions and Limitations issued under this section shall contain—

(i) The foreign air operator's full name;

(ii) The foreign air operator's principal business address and contact details for operational management;

(iii) The foreign air operator's business address and contact details in FSM;

(iv) The date of issuance and expiry (if any) of the foreign air operator's AOC;

(v) A statement that: This Document authorises [name of foreign air operator] to operate in the territory of FSM;

(vi) A statement that: This Document is issued to [name of foreign air operator] on the basis of it holding a valid AOC. Any changes to the AOC made by the Foreign Authority that issued and oversees the AOC of [name of foreign air operator] shall be submitted by [name of foreign air operator] in writing to the [Authority of] within 30 days of such change;

(vii) A statement that: This Document ceases to have effect upon expiry, suspension, revocation, cancellation or equivalent action in respect of the foreign air operator's AOC; and

(viii) Any additional authorisations, conditions or limitations considered necessary by the [Authority of].

(b) Operations Specification issued to a foreign air operator by the Foreign Authority shall be supplementary to these Regulations.

ICAO Doc. 8335, 5th Edition, Part VI, Chapter 4: 4.1, 4.2
14 CFR 129.11

10.2.1.5 CONTINUED VALIDITY OF A DOCUMENT OF AUTHORISATONS, CONDITIONS, AND LIMITATIONS

(a) A foreign air operator shall, when conducting operations in and to FSM, ensure that it complies at all times with the requirements of—

(1) Its Operations Specifications;

(2) Its approved Aircraft Operator Security Programme; and

(3) The security requirements for aircraft operators operating in FSM.

ICAO Doc. 8335, Part VI, Chapter 1: 1.4.1
14 CFR 129.11

10.3 DOCUMENTS

10.3.1.1 FOREIGN AIR OPERATOR'S AIRCRAFT TECHNICAL LOG

(a) A foreign air operator shall use an aircraft technical log system containing the following information for each aircraft—

(1) Information about each flight necessary to ensure continued flight safety;

(2) The current aircraft certificate of release to service;

(3) The current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;

(4) All outstanding deferred defects that affect the operation of the aircraft; and

(5) Any necessary guidance instructions on maintenance support.

ICAO Annex 6, Part 1, 6.2.3(b); 11.4.1R
ICAO Annex 6, Part III, Section II: Vol. III, 9.4.1R
Chicago Convention, Article 29
ICAO Doc 9376, Attachment B to Chapter 6
ICAO Doc 8335, Part VI, Chapter 1: 1.3.4
14 CFR 129.13, 14, 15
JAR OPS 1: 1.915
JAR OPS 3: 3.195

10.3.1.2 AIR OPERATOR MANUALS, DOCUMENTS AND FLIGHT CREW LICENCES TO BE CARRIED

(a) A foreign air operator shall ensure that the following manuals, documents and licences are carried on flights into FSM—

(1) A certified true copy of the air operator certificate and associated operations specifications all of which shall be in the English language;

(2) A Copy of the Document of Authorisations, Conditions, and Limitations required under Part 10;

(3) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;

(4) Those parts of the Operations Manual, which are required for the conduct of a flight and are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and information and instructions relating to the interception of aircraft;

(5) The current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry received from the State of Design;

(6) The current certificate of registration, and airworthiness certificate in force in respect of that aircraft;

(7) The appropriate licences of the members of the flight crew and cabin crew, if a cabin crew licence is required by the Foreign Authority;

(8) Appropriate approval/licence of crewmembers for aircraft radio operation.

ICAO Annex 6, Part 1, 6.1.2; 6.2.3, 11.1
ICAO Annex 6, Part III, Section II: 2.2.2; 4.1.2; 4.2.3; 9.1
Chicago Convention, Article 29
ICAO Doc 8335 Part IV, Chapter III Attachment IV-Att-3 (A-8); Part VI, Chapter 1: 1.3.4; 1.3.5; 1.3.6; 1.3.7
14 CFR 129.13

10.3.1.3 ADDITIONAL INFORMATION AND FORMS TO BE CARRIED

(a) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed 10.3.1.2, the following information and forms, relevant to the type and area of operation, are carried on each flight—

(1) Operational Flight Plan;

(2) Aircraft Technical Log containing at least the information required in 10.3.1.1(a);

(3) Appropriate NOTAM/AIS briefing documentation;

(4) Appropriate meteorological information;

(5) Passenger and Cargo manifests as appropriate for the intended flight;

(6) The mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured;

(7) Notification of special loads including any dangerous goods; and

(8) Current maps and charts for the area of operation.

(b) The Authority may authorise the information detailed in subparagraph (a) above, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

Chicago Convention Articles 29, 30, and 31
ICAO Doc 8335 Part IV, Chapter III Attachment IV-Att-3, IV-Att-4; Part VI, Chapter 1: 1.3.6

10.3.1.4 PRODUCTION OF DOCUMENTATION, MANUALS AND RECORDS

(a) A foreign air operator shall—

(1) Give any person authorised by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and

(2) Produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(b) The pilot in command shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

Chicago Convention, Article 16
ICAO Doc 8335, Part VI, Chapter 1: 1.3.1

10.3.1.5 PRESERVATION, PRODUCTION AND USE OF FLIGHT RECORDER RECORDINGS

(a) Following an accident, incident, in FSM involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a fight recorder is carried shall preserve the original recorded data for a period of not less than 60 days unless otherwise directed by the authority.

ICAO Annex 6 Part I: 6.3.4.2 Notes 1 and 2, 11.6
ICAO Annex 6, Part III, Section II: 4.3.4.2.1; 4.3.4.2.2 and Notes 1 and 2, and 9.6
CFR 129.13, 129.14, 129.15

10.4 OPERATIONS AND PERFORMANCE

10.4.1.1 COMPUTATION OF PASSENGER AND BAGGAGE WEIGHTS

(a) A foreign air operator shall compute the mass of passengers and checked baggage using—

(1) The actual weighed mass of each person and the actual weighed mass of baggage; or

(2) The standard mass values specified by the foreign Authority.

(b) The Authority may require a foreign air operator conducting operations in FSM to produce evidence validating any standard mass values used.

ICAO Annex 6, Part I: 5.2.7
ICAO Annex 6, Part III, Section II: 3.2.7

10.4.1.2 SINGLE-ENGINE AEROPLANES AT NIGHT OR IN IMC

(a) A foreign air operator may not operate a single-engine, non-turbine aircraft—

(1) At night; or

(2) In Instrument Meteorological Conditions except under Special Visual Flight Rules.

(b) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC conditions provided the State of the Operator has ensured—

(1) The reliability of the turbine engine;

(2) The foreign operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are adequate;

(3) The aeroplane is appropriately equipped for flight at night and in IMC;

(4) For aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system; and

(5) For aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

ICAO Annex 6, Part I: 5.1.2; 5.4.1 and Appendix 3

10.4.1.3 SINGLE PILOT OPERATIONS UNDER IFR OR AT NIGHT

(a) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions —

(1) The flight manual does not require a flight crew of more than one pilot;

(2) The aeroplane is propeller-driven;

(3) The maximum approved passenger seating configuration is not more than nine;

(4) The maximum certificated take-off mass does not exceed 5,700 kg;

(5) The aeroplane is equipped with:

(i) A serviceable autopilot that has at least altitude hold and heading select modes;

(ii) A headset with a boom microphone or equivalent; and

(iii) A means of displaying charts that enables them to be readable in all ambient light conditions.

(6) The PIC has satisfied the requirements of experience, training, checking and recency.

ICAO Annex 6, Part I: 4.9.1; 4.9.2; 6.22

10.4.1.4 FLIGHT RULES WITHIN FSM

(a) Within the territorial boundaries of FSM, foreign air operator shall comply with the flight rules and limitations contained in MCAR Part 8.

(b) Foreign air operators shall ensure that their flight crew have available and have become familiar with the flight rules in MCAR Part 8 of this regulation.

Note: The flight rules are contained in MCAR Part 8.

10.5 FLIGHT CREW MEMBER QUALIFICATIONS

10.5.1.1 GENERAL

(a) Foreign air operators shall ensure that their flight crews have the appropriate licences and ratings for the operations to be conducted in FSM.

10.5.1.2 AGE LIMITATIONS

(a) Foreign air operators shall ensure that the required PIC engaged in single pilot operations on aircraft operating in FSM shall be less than 60 years of age.

(b) Foreign air operators shall ensure, for aircraft engaged in operations in FSM requiring more than one pilot as flight crew members, that if one pilot is between the age of 60 and up to age 65, the other pilot shall be less than age 60.

ICAO Annex 1: 2.1.10.1; 2.1.10.2R

10.5.1.3 LANGUAGE PROFICIENCY

(a) As of March 5, 2008, foreign air operators shall ensure that flight crew operating aircraft in FSM meet the language proficiency requirement of least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the licence.

ICAO Annex 1: 1.2.9.1; 1.2.9.3; 1.2.9.4; 1.2.9.5; 2.1.10.1; 2.1.10.2; Appendix 1

10.6 SECURITY

10.6.1.1 AIRCRAFT SECURITY

(a) A foreign air operator shall—

(1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes of the State of the operator;

(2) Establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur;

(3) Following an act of unlawful interference on board an aircraft the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator;

(4) Ensure that all aircraft carry a checklist of the procedures' to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and

(5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

ICAO Annex 6 Part I: 13.2.1, 13.4.1, 13.4.2, 13.3, 13.5
ICAO Annex 6, Part III, Section II: 11.1; 11.2.1; 11.2.2; 11.3

10.6.1.2 UNAUTHORISED CARRIAGE

(a) A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

ICAO Annex 6, Part I: 13.4.2
ICAO Annex 17: 4.3.2, 4.5.2

10.7 DANGEROUS GOODS

10.7.1.1 OFFERING DANGEROUS GOODS FOR TRANSPORT BY AIR

(a) No foreign air operator may accept dangerous goods for transport by air in FSM unless the foreign air operator—

(1) Has been authorised to do so by the foreign Authority; and

(2) Has conducted the required personnel training.

(b) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods programme as approved by the foreign Authority.

(c) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods programme authorised by the foreign Authority, the foreign operator shall file a copy of its dangerous goods programme with the Authority.

ICAO Annex 18: 8.1, 10

10.7.1.2 CARRIAGE OF WEAPONS OF WAR AND MUNITIONS OF WAR

(a) A foreign air operator conducting commercial air transportation operations to FSM shall:

(1) Not transport weapons of war and munitions of war by air unless an approval to do so has been granted by all States concerned.

(2) Ensure that weapons of war and munitions of war are:

(i) Stowed in the aircraft in a place which is inaccessible to passengers during flight; and

(ii) In the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this subparagraph.

(3) Ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

Convention on International Civil Aviation, Article 35
ICAO Doc. 9284

10.7.1.3 CARRIAGE OF SPORTING WEAPONS AND AMMUNITION

(a) A foreign air operator conducting commercial air transportation operations to FSM shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.

(b) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—

(1) Stowed in a place on the aircraft which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures; and

(2) In the case of firearms or other weapons that can contain ammunition, unloaded.

(c) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger's checked baggage, as approved by the Authority.

ICAO Annex 6, Part I: 13.6.1, 13.6.2

10.8 APPROVAL TO OPERATE REMOTELY PILOTED AIRCRAFT (RPA) IN THE TERRITORY OF FSM

10.8.1.1 REQUIREMENTS FOR APPLICATION BY FOREIGN PERSONS OR OPERATORS FOR APPROVAL TO OPERATE REMOTELY PILOTED AIRCRAFT (RPA) INTO THE TERRITORY OF FSM

(a) A foreign operator from the territory of another State shall not operate a RPA in FSM unless it is so authorised by the Authority [of STATE] and holds the associated approvals, conditions and limitations issued by it by the Authority [of STATE].

(b) When a foreign operator wishes to apply to operate RPA in FSM it shall --

(1) Make such application to the Authority in the form and manner prescribed:

(2) Make such application by completing the application form in IS: 10.8.1.1.

(c) An application for approval to operate into the territory of FSM shall be accompanied by ta copy of the following, in English translation if the original documents are not in the English language, for each RPA proposed to be operated in FSM —

(1) Certified true copy of a valid RPAS operator certificate

(2) Certificate of aircraft registration;

(3) Certificate of airworthiness;

(4) Remote pilot(s) licence and medical certificate(s);

(5) Aircraft radio station licence, if applicable;

(6) Insurance certificate;

(7) Noise certificate issued in accordance with ICAO Annex 16;

(8) Aircraft operator security programme; and

(9) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(d) An applicant under these Regulations shall apply for the initial issue of a foreign RPA approval at least 90 days before the date of commencement of the proposed operation.

(e) Once authorization has been granted by the Authority, the operator --"

(i) Shall file a flight plan prior to operation of a RPA;

(ii) Shall follow the operational rules for RPA in MCAR Part 8: 8.8.1.33;

(iii) Shall notify the Authority and ATC immediately in the event of a flight cancellation, and

(iv) Shall, in the case of changes to the proposed flight, submit such changes to the Authority for consideration.

Convention on International Civil Aviation, Article 8
ICAO Annex 2, 3.1.9, and Appendix 4: 1.1; 1.2; 1.3; 1.4; 1.5; 1.6; 1.7; 2.1; 2.2; 2.3; 3.1; 3.2; 3.3.; 3.4; 3.5; 3.6

Note: ICAO Circular 328, Unmanned Aircraft Systems, contains further information about the evolving regulatory framework of unmanned aircraft systems.

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CIVIL AVIATION REGULATIONS

PART 10 — IMPLEMENTING STANDARDS

VERSIONS 2.8

AUGUST 2015

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PART 10 — IMPLEMENTING STANDARDS

IS: 10.1.1.5 AUTHORITY TO INSPECT

(a) Authorised Inspectors -

(1) Authorised inspectors assigned to conduct inspections of foreign aircraft shall be experienced inspectors who understand the difference between ramp inspections conducted on their own (national) operators as part of their AOC management responsibilities and surveillance inspections conducted on aircraft of foreign (international) operators.

(2) These inspectors shall be specifically trained and authorised to conduct such inspections and possess appropriate credentials identifying them as authorised inspectors employed by the [Authority of].

(3) Ramp inspections of foreign air operators should be carried out in a similar manner to the ramp inspections of national operators, with some important differences, as the standards applied to foreign operators would be based primarily on international standards and national regulations derived from international standards.

(4) Authorised inspectors shall have demonstrated a language proficiency in English of ICAO operational level 4 or higher.

(5) Authorised inspectors shall have in their personal training records evidence they have been trained and are knowledgeable in the following areas:

(i) ICAO Convention and its Annexes 1, 6, 7 and 8;

(ii) Differences between ICAO standards and national regulations, which may be more detailed or restrictive;

(iii) Diplomacy, including dealing with potential language difficulties and cultural differences;

(iv) Sovereignty of foreign aircraft, which means that inspector authority is limited to document, communicate and report findings, except as provided in 10.1.1.5 (a) (3) of this Part;

(v) Observing, recording and reporting procedures during inspections of foreign air operators; and

(vi) Surveillance activities, which are not linked to the certification process of the operator.

(b) Pre-Inspection Planning

(1) Authorised inspectors shall prepare for inspections of foreign operators by updating themselves on recent changes to national regulations with respect to operations by operators from other States.

(2) A check should be made of the authority for the foreign operator to operate in FSM and to operate the particular aircraft concerned, i.e. issuance of a Document of Authorisations, Conditions and Limitations by the [Authority of].

(3) The record of the foreign air operator's history in FSM should be examined, including records of past aircraft inspections and, in particular, those of the specific aircraft concerned in the inspection to be conducted, to check for any outstanding actions or recurring trends that might warrant particular attention.

(4) Ramp (or Apron) inspections involve the aircraft and its crew, line station operations, servicing and maintenance and the ramp and gate area condition and activity. Time constraints may apply only to the inspection of the aircraft and crew. Determination should be made of the number of authorised inspectors and the specialisations to be involved, the distribution of tasks and the time to be allocated to each task.

(5) As the inspection plan includes comprehensive inspections, it will not be possible to cover all the desired elements in the time available for a particular inspection without causing unreasonable delay to the foreign air operator.

(6) As inspections on aircraft of any one operator may be conducted at different airports by different authorised inspectors, the overall inspection plan will need to take this into account. Some elements should be covered at every inspection; others can be covered over a number of inspections. Thus, comprehensive records shall be maintained of all inspections of aircraft of a particular operator in a central database, in either paper or electronic format that is accessible to, and updated by, the authorised inspectors concerned.

(7) From these records it is necessary to plan the content of inspections so that a complete inspection of the aircraft of any one operator is undertaken over a defined period.

(8) Selection of a particular aircraft to inspect should normally be done at random, in a non-discriminatory manner. However, the principles of risk management to identify operations perceived to present a higher safety risk and, as a result, conduct additional inspection activities aimed at those operations, which can be linked to a specific:

(i) State of the Operator;

(ii) Aircraft type;

(iii) Nature of operations (scheduled, non-scheduled, cargo, air taxi, etc.);

(iv) Foreign operator; or

(v) Individual aircraft.

(c) Inspections

(1) Types

(i) Areas to be checked during a Ramp (Apron) Check are:

(ii) Flight Deck;

(iii) Cabin / Safety;

(iv) Aircraft External Condition;

(v) Cargo; and

(vi) General.

(2) Scope of a foreign operator ramp (Apron) inspection -

(i) It is not possible to cover all items on the checklist at every ramp inspection. Inspections should be planned to cover high risk items and to cover all other items over a series of inspections.

(ii) It is essential that adequate records are kept, and that there is complete coordination between all authorised inspectors involved in ramp inspections for any one operator.

ICAO Annex 6, Part I: 4.2.2.2; 4.2.2.3
ICAO Annex 6, Part III, Section II: 2.2.2.2; 2.2.2.3
ICAO Doc. 8335, 5th Edition, Part IV: Attachment

(d) The Authority will use the following checklist when conducting foreign operator ramp inspections.

Foreign Operator Ramp Inspection Checklist

[AUTHORITY] FOREIGN OPERATOR RAMP INSPECTION – PAGE 1		
1.a. Inspector Name: **1.b. Inspector Type:** ☐OPS ☐AW ☐C/S	**2.a. AOC Name:** **2.b. Flight Number:**	**3. State of the Operator:**
4.a. Aircraft Type: **4.b. Registration Number:**	**5.a. Captain Name:** **5.b. Licence Number:**	**6.a. Co-Pilot Name:** **6.b. Licence Number:**
7. Inspection Result: ☐ Satisfactory ☐ Unsatisfactory	**8. Action Taken Under Part 10.1.1.5(a)(3)** ☐ Yes ☐ No	**9. Date (dd/mm/yyyy):**

I. Documents to be covered on any one inspection of a foreign operator include the following:

	Items	S/U
a.	Certificate of registration;	
b.	Certificate of airworthiness;	
c.	Certificates of competency, licences and medical assessment of the flight crew;	
d.	Air operator certificate and associated operations specifications relevant to the aircraft type, which are required information to be carried on board until an international register of AOCs may eventually provide an alternative way to access this information;	
e.	Flight manual or other document containing performance data;	
f.	Radio station licence;	
g.	Journey logbook or technical log or general declaration;	
h.	Maintenance release;	
i.	Fuel and oil records; and	
j.	Document attesting noise certification.	

Remarks:

[AUTHORITY] FOREIGN OPERATOR RAMP INSPECTION – PAGE 2

II. The overall condition of the aircraft should be covered at every inspection:

Items	S/U
a. Out-of-tolerance leakage of fuel, engine oil or hydraulic fluid;	
b. Landing gear and wheel well areas;	
c. Fuselage and pylons, as applicable;	
d. Wings and pylons, as applicable;	
e. Engines, their intakes, exhaust cones and reverser systems;	
f. Propellers, as applicable; and	
g. Empennage or tail assembly.	

Remarks:

III. Documents that should be covered over a defined number of inspections include:

Items	S/U
a. MEL	
b. Aircraft operating manual ;	
c. Airfield performance data;	
d. Checklists for normal, abnormal and emergency procedures;	
e. Aeronautical charts (route guide);	
f. Aeroplane search procedure checklist;	
g. Visual signals for use by intercepting and intercepted aircraft;	
h. Mass and balance forms and their completion;	
i. Weather reports and forecasts;	
j. Operational flight plan; and	
k. NOTAMs.	

Remarks:

[AUTHORITY] FOREIGN OPERATOR RAMP INSPECTION – PAGE 3

IV. Aircraft equipment that should be covered over a defined number of inspections:

Items	S/U
a. Adequate oxygen supply for crew and passengers;	
b. Passenger briefing cards and contents;	
c. Portable fire extinguishers – flight crew compartment and cabin;	
d. Life rafts and life jackets or individual flotation devices (as applicable);	
e. Pyrotechnical distress signalling devices (as applicable);	
f. First-aid kits and medical kits (as applicable);	
g. Penetration resistant cockpit door (as applicable); and.	
h. Emergency exit signs and lighting	

Remarks:

V. The following additional aircraft equipment should also be covered annually per/AOC as applicable to the aircraft and the operation:

Items	S/U
a. ACAS;	
b. ELT;	
c. FDR and CVR; and	
d. GPWS with forward looking terrain avoidance capability.	

Remarks:

ICAO Document 8335, 5th Edition, Part VI, Chapter 5: 5:4.

(e) The Authority shall use the procedures in the following tables to resolve findings from inspections.

Table 1. Levels of Seriousness of Findings and Related Actions

(1) Seriousness of findings	Actions		
	(2) Information to pilot-in-command	(3) Information to responsible CAA (State of the Operator and/or State of Registry) and operational management of the operator	(4) Corrective actions required
Minor	Yes	No	No
Significant	Yes	Yes Letter to CAA and copy to operator's management	No
Major	Yes	Yes Letter to CAA and copy to operator's management. In case of aircraft damage affecting airworthiness, a direct communication with the CAA in the State of Registry should be established. Under the provisions of ICAO Annex 8, that CAA decides about conditions regarding return to flight status. Confirmation afterwards with a letter to the CAA and a copy to the operator's management.	Yes Actions consisting or operational restrictions, corrective actions before flight or at maintenance base, grounding and/or withdrawal of approval to operate in the territory of STATE.

ICAO Doc 8335, Fifth Edition (2010), Part VI, Chapter 6, Table 6-1

Table 2. Examples of Findings and Levels of Seriousness

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
A. FLIGHT DECK - GENERAL			
1. General condition	Dirty and untidy.		Large unsecured objects (e.g. cargo or baggage) Unserviceable flight crew seats.
2. Emergency exits	Not all exits are serviceable, but properly deferred in accordance with MEL	Not all exits are serviceable and MEL provisions not applied.	No emergency exits serviceable/no provisions in MEL for continued operation.
3. Equipment- GPWS	Inoperative and in accordance with MEL provisions.	Inoperative and MEL provisions not applied.	Not installed. Forward looking GPWS required and not installed.
4. Equipment - FMC		Flight management system (FMS) database recently outdated (less than 28 days).	FMS database more than 28 days outdated.
5. Equipment – ACAS/CVR/FDR/ELT	Inoperative and in accordance with MEL provisions.	Inoperative and MEL provisions not applied.	Required and not installed.
B. FLIGHT DECK DOCUMENTATION			
1. Aircraft flight manual		No evidence of State of Registry approval. Incomplete, but performance calculations possible.	Not on board and performance calculations not possible.
2. Operations manual		Incomplete (see Annex 6, Appendix 2) or not approved by State of the Operator or not the current version.	Not on board.
3. Checklists	Not within reach.	Not readily available and used or not the current version.	Not on board.

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
4. Route guide (navigation charts)	Not within reach.	Recently out of date. (28 days or less). Photocopies of current charts.	Significantly out of date (more than 28 days). Not on board.
5. MEL		Not on board or MMEL used, but no deferred defects. MEL content does not reflect aircraft equipment fitted. MEL not approved.	Not on board or MMEL used, with deferred defects.
6. Certificate of registration	Non-certified copy.	Not on board. No English translation.	
7. Certificate of airworthiness		Not an original or certified true copy. No English translation.	Not on board. Out of date.
8. Crew member licences (see also E — General, 3, Language for communications, in this table)	Form or content not in compliance with ICAO Standards.	No English translation.	Not valid for the type of aircraft. Not on board or no proper validation from the State of Registry. Expired or no Class 1 medical assessment.
9. Journey log book or equivalent technical log	Minor defects not documented.	On board but not properly completed.	Not on board or no equivalent document. Maintenance release expired or not valid. MEL rectification interval deadline expired for deferred defects.
10. Radio station licence	Non-certified copy	Not on board.	
11. Noise certificate (where applicable)	Not on board. No English translation.		

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
12. Air operator certificate (AOC) (certified true copy)		Not a certified true copy of AOC.	
13. Operations specifications (copy)		Not accurate (out of date, incorrect operation type/route, incorrect aircraft or operator, etc.) or no English translation.	
14. Operational flight plan	Copy not retained on ground.	Actual flight calculations but no actual documents. Lack of fuel monitoring data (arrival flight). Fuel calculation unsatisfactory. (departing flight).	No or incomplete flight preparation. Required fuel calculation not available or not updated for actual conditions.
15. Mass and balance sheet and data		Incorrect but within aircraft limits.	Incorrect and outside operational limits or missing. Mass and balance data not available.
16. Aircraft performance limitations using current route, airport obstacles and runway analysis data	Incomplete, but not affecting the operation on that date (e.g. no contaminated or Wet runway data, but these conditions are not present).	Not current data or data validity date not available.	Not available.
17. Cargo manifest and, if applicable, passenger manifest		Some limited inaccuracy or missing data not affecting safety.	Not available or grossly inaccurate/ incomplete.

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
18. Preflight inspection	Form on board but incomplete.	Not performed for inbound flight.	Not performed for outbound flight.
19. Weather reports and forecasts	Not the latest available data but valid.	Not printed but handwritten.	Not valid or not available.
20. NOTAMs		Some en-route relevant data missing.	Not available.
c. FLIGHT DECK - SAFETY EQUIPMENT			
1. Portable fire extinguishers	Not easily accessible.	Expired Not properly secured.	Empty or insufficient number or missing. Significantly low pressure Not accessible.
2. Life jackets/flotation devices, (if required)	Not directly accessible.	Expired, as applicable.	Not available for each cockpit crew member on board.
3. Harness		Seat belt instead of harness.	Not available or serviceable for all flight crew members.
4. Oxygen equipment, (if required)		No direct access.	Not available or serviceable for all flight crew members. Oxygen quantity not sufficient.
5. Electric flashlight (night operations conducted by operator)	Only one available.	Weak battery.	Not in cockpit or unserviceable.

(1) Item description	SERIOUSNESS (2) Minor	(3) Significant	(4) Major
D. CABIN SAFETY			
1. General condition	Dirty, untidy and in bad condition.	Loose carpet. Loose or damaged floor panel. Unserviceable seats (and not identified as such).	Not possible to perform, unrestricted, normal and abnormal duties.
2. Cabin crew seats	Harness/belt is difficult to operate.	Strap or buckle worn out or damaged; item is not serviceable.	For any member of the minimum required cabin crew: a seat is not available; or proper harness and seat belt not available or not serviceable.
3. First aid kit/emergency medical kit	Expired. Incomplete. Not at the indicated location.		Not available.
4. Portable fire extinguishers	Not directly accessible.	Expired. Not properly secured.	Empty, significantly low pressure, or missing, or not serviceable.
5. Life jackets/ Flotation devices (if required)	Not directly accessible.	Expired, as applicable.	Not available for each person to be carried.
6. Seat belts (passenger seats)	Strap or buckle worn out or damaged. Not available or serviceable for all passenger seats and aircraft dispatched in accordance with MEL.	Not available or serviceable for all passenger seats, and aircraft not dispatched in accordance with MEL.	Not available or not serviceable for any passenger.

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
7. Emergency exit lighting and marking, emergency flashlights		Some emergency exit signs out of order. Insufficient number of emergency flashlights; emergency flashlights not correctly located; emergency flashlight	Emergency lighting equipment defects not acceptable according to MEL provisions.
8. Slides/life-rafts (as required) (for long-range over water flights)	Not in specified location, as established by the State of the Operator.	Incorrectly installed.	Insufficient number. Not serviceable.
9. Oxygen supply (cabin crew and passengers)	Insufficient quantity of oxygen or insufficient quantity of masks for passengers and crew members.	Insufficient quantity of oxygen or insufficient quantity of masks for passengers and crew members, and flight performed above flight level 250.	
10. Emergency briefing cards	Not enough emergency briefing cards for all passengers.	Briefing cards from another aircraft or from obviously different versions. Some information missing or incorrect.	No emergency briefing cards on board.
11. Cabin crew members		Cabin crew members not in specified location.	Insufficient number of cabin crew members.
12. Access to emergency exits			Impeded by luggage or cargo, etc. Impeded by seats.
13. Safety of cabin baggage			Not securely stowed.

(1) Item description	SERIOUSNESS (2) Minor	(3) Significant	(4) Major
14. Seating capacity			More seats than certified capacity. Insufficient serviceable seats for all passengers on board.
E. AIRCRAFT EXTERNAL CONDITION			
1. General external condition	Minor defects.	The defects need not necessarily be corrected before flight (visible corrosion, marking not legible, etc.).	Safety-related defect (correction required before departure). Inadequate de-icing.
2. Doors and hatches	Minor defects but serviceable.	Door operating instructions missing or unclear. Seal slightly damaged.	Unserviceable and not compatible with number of passengers on board. Seal missing or badly
3. Flight controls	Minor defects.	Poor condition (damage, missing bonding strips or static discharges, play, lack of lubrication, disbanding).	Damage, corrosion, leaks or wear outside limits of MEL, structural repair manual (SRM), etc.
4. Wheels, tires and brakes	Minor defects.	Signs of underinflation. Incorrect tire pressure. Unusual wear and tear.	Tires worn out or damaged beyond limits. Brakes worn out, leaking or damaged beyond limits. Damaged components or missing parts (e.g. tie bolts, heat sensors).
5. Undercarriage	Minor defects.	Significant signs of leakage, strut under-pressure, corrosion and obvious lack of lubrication.	Damage, corrosion, missing parts and/or leakage outside limits.

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
6. Wheel well	Minor defects or dirty.	Signs of leakage, corrosion and obvious lack of lubrication.	Damage, widespread corrosion, leakage outside limits.
7. Intake and exhaust nozzle	Minor defects.	Damage to casing or lining. Dents and cracks in exhaust area all within limits, but not recorded in Technical Log or equivalent document. Minor leaks of oil and fuel.	Damage (nicks, dents, cracks, etc.) outside the MEL, aircraft maintenance manual (AMM), SRM, etc., limits. Leakage outside limits.
8. Fan blades (if applicable)	Minor defects.	Damage to fan blades within limits but not recorded in technical log or equivalent document.	Damage (nicks, dents, cracks, etc.) outside the MEL, AMM, SRM, etc., limits.
9. Propellers (if applicable)	Minor defects.	Damage to propellers within limits but not recorded in technical log or equivalent.	Damage (nicks, dents, cracks, etc.), leakage, looseness of blades outside the MEL, AMM, SRM, etc., limits.
10. Previous structural repairs	Minor defects.	No information about temporary repairs, doubts about old repairs, and repairs acceptable for continuation of flight.	Improperly performed repairs or apparent unsatisfactory design. Damage to old repair.
11. Obvious un-repaired damage	Within limits and recorded.	Within limits but not recorded.	Unassessed and not recorded damage affecting airworthiness.

(1) Item description	SERIOUSNESS		
	(2) Minor	(3) Significant	(4) Major
12. Leakage	Within limits.	Long-standing water and lavatory leaks (blue ice).	Leakage (oil, fuel, hydraulic, water) outside limits.
F. CARGO			
1. General condition of cargo compartment and containers	Partly defective lights Minor defects, but safe condition.	Partly damaged paneling. Partly damaged containers. Defective lights. Floor locks (partly) unserviceable. Limited access to cargo area (for combis). Dividing net or door protection net damaged.	Damaged paneling outside limits. Damaged containers. Structural damage outside limits. Defective or missing fire extinguishing system (where applicable). Cargo area not used in accordance with classification. No access to cargo area (for combis). No barrier net (combis and cargo aircraft). No smoke barrier/curtain. Floor locks unserviceable and outside MEL limits.
2. Dangerous goods	Unable to recognize dangerous goods presented to operator for shipment.	No dangerous goods regulations or references.	No, or incomplete, information to the pilot-in-command of dangerous goods carried, in contradiction with Doc 9284 provisions. Deficiencies: leakage, wrong packaging, label missing. Dangerous goods not correctly secured. Loading not performed in accordance with Annex 18. Dangerous goods carried without authorization or in contradiction to Annex 18 or Doc 9284 provisions.

(1) Item description	SERIOUSNESS (2) Minor	(3) Significant	(4) Major
3. Safety of cargo on board	Minor damage to: lashing, tie down equipment, pallet/container and/or locks.	Damaged pallet, container or net.	Cargo not safely secured and/or properly distributed: – lashing – tie-down equipment – pallets and containers – locks Load distribution/floor load limit exceeded.
G. GENERAL			
1. Additional remarks	General findings with minor safety impact.	General findings with significant safety impact.	General findings with major safety impact.
2. Refuelling	Cabin crew not aware of refuelling with passengers on board.	No procedures in place for refuelling with passengers on board.	Procedures in place but not carried out.
3. Language for communications		Pilot licences with no language proficiency endorsement, for the English language or the language used in radiotelephony (except if implementation plan is made available by the State of issue — until 5 March 2011).	Pilots not fluent in the English language or in the language used in radiotelephony.

ICAO Doc 8335, Fifth Edition (2010), Part VI, Chapter 6, Table 6-2

IS: 10.2.1.1 REQUIREMENTS FOR THE APPLICATION BY FOREIGN AIR OPERATORS FOR APPROVAL TO OPERATE INTO THE TERRITORY OF STATE

(a) Foreign Operator's Application Form.

Application Form for Commercial Air Transport Operations by a Foreign Operator – Page 1

(To be completed by a foreign air operator for an approval to conduct operations in FSM)

Section 1: To be Completed by the Applicant

Section 1A: Applicant Information

1. **Company Name and Address**. Company registered name and trading name if different. Address of company: mailing address; telephone; fax; and e-mail.	2. **Principal place of business**. Address of the principal place of business including: telephone; fax; and e-mail.
3. Proposed start date of operations: (dd/mm/yyyy):	**4. ICAO 3-letter designator for aircraft operating agency:**

5. Operational management personnel

a. Name	b. Title	c. Telephone, fax and e-mail

Section 1B. Type of approval requested by applicant. *Check applicable boxes*

6. a. ☐ Air operator intends to conduct commercial flights to and from aerodromes in FSM
b. ☐ Air operator intends to only conduct overflights and technical stops in FSM

7. Air operator proposed types of operation:	8. Geographic areas of intended operations and proposed route structure:
a. ☐ Passengers and cargo b. ☐ Cargo only c. ☐ Scheduled operations d. ☐ Charter flight operations e. ☐ Dangerous goods	

Application Form for Commercial Air Transport Operations by a Foreign Operator – Page 2

(To be completed by a foreign air operator for an approval to conduct operations in FSM)

Section 1C. Aircraft Information of Operator

9. Provide location on board or provide separate documentation where individual aircraft nationality and registration marks are listed as part of the aircraft fleet operated under the air operator certificate:

Provide following information:

Aircraft type *(make, model and series, or master series)*	**RVSM[2] Approval**	**EDTO[3]**	**Noise[4] certification** *(Annex 16 Ch.)*	**Remarks**
[Aircraft type 1]	☐	☐		
[Aircraft type 2]	☐	☐		
[Aircraft type 3]	☐	☐		
[Aircraft type 4]	☐	☐		
Etc.	☐	☐		

Attach copies of:

- Proof of Economic Authority;
- Air operator certificate and associated operations specifications;
- Insurance certificate;
- In case of wet-lease of aircraft: approval of CAA of the State of the Operator, with identification of the operator that exercises operational control on the aircraft; and
- Document authorising the specific traffic rights, issued by [Department of Commerce] or resulting from a bilateral air transport agreement (if required by the State to which the operator is flying to).

Signature:	**Date (**dd/mm/yyyy):	**Name and Title:**

Section 2. To be completed by the [CAA]

Evaluated by (name and office):	**CAA decision:** ☐ Approval granted ☐ Not approved
Remarks:	
Signature of CAA representative:	**Date** (dd/mm/yyyy):

ICAO Doc. 8335, Part, 5th Edition, Part VI: Attachment C

[2] As approved by the State of the Operator
[3] As approved by the State of the Operator
[4] As approved by the State of Registry

IS: 10.2.1.1(B) SAFETY CLAUSE EXAMPLE

Example of Safety Clause (Extracted from ICAO Document 8335) that must be inserted into Air Service Agreements that allows operators to provide service to another State and vice versa.

(a) Each Party may request consultations at any time concerning the safety standards maintained by the other Party in areas relating to aeronautical facilities, flight crew, aircraft and the operation of aircraft. Such consultations shall take place within thirty days of that request.

(b) If, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in the areas referred to in paragraph 1 that meet the Standards established at that time pursuant to the Convention on International Civil Aviation (Doc 7300), hereinafter referred to as: the Convention, the other Party shall be informed of such findings and of the steps considered necessary to conform with the ICAO Standards. The other Party shall then take appropriate corrective action within an agreed time period.

(c) Pursuant to Article 16 of the Convention, it is further agreed that any aircraft operated by, or on behalf of an airline of one Party, on service to or from the territory of another Party, may, while within the territory of the other Party be the subject of a search by the authorised representatives of the other Party, provided this does not cause unreasonable delay in the operation of the aircraft. Notwithstanding the obligations mentioned in Article 33 of the Convention, the purpose of this search is to verify the validity of the relevant aircraft documentation, the licensing of its crew, and that the aircraft equipment and the condition of the aircraft conform to the Standards established at that time pursuant to the Convention.

(d) When urgent action is essential to ensure the safety of an airline operation, each Party reserves the right to immediately suspend or vary the operating authorisation of an airline or airlines of the other Party.

(e) Any action by one Party in accordance with paragraph 4 above shall be discontinued once the basis for the taking of that action ceases to exist.

(f) With reference to paragraph 2 above, if it is determined that one Party remains in non-compliance with ICAO Standards when the agreed time period has lapsed, the Secretary General of ICAO should be advised thereof. The latter should also be advised of the subsequent satisfactory resolution of the situation.

ICAO Document 8335, 5th Edition, Attachment VI-A, 3. Model Clause

IS: 10.2.1.2 CONDITIONS FOR THE ISSUANCE OF A DOCUMENT OF AUTHORISATIONS, CONDITIONS AND LIMITATIONS

(a) The [Authority of] shall, when evaluating an application by a foreign air operator to operate within the territory of FSM –

(1) Examine both the safety oversight capabilities and record of the Foreign Authority of the State of the Operator, and if different, the State of Registry; and

(2) The operational procedures and practices of the foreign air operator itself.

Note: This is necessary in to have confidence in the validity of the certificates and licences associated with the foreign air operator, its personnel and aircraft, the operational capabilities of the foreign air operator and in the level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority of the State of the Operator.

(b) The [Authority of] shall obtain information on the safety oversight capabilities, and the level of compliance with ICAO Standards, of the Foreign Authority of the State of the Operator by accessing information from the ICAO Universal Safety Oversight Audit Programme (USOAP). This information is available –

(1) On the ICAO website http://www.icao.int and accessible through the Flight Safety Information Exchange (FSIX) – Safety Oversight Information – Audit Reports (1999-2004) or Audit Reports (Comprehensive Systems Approach);

(2) On the ICAO Safety Oversight Audit (SOA) Secure Site which is accessible, subject to a password available only to the [Authority of] from ICAO, through the FSIX home page; and

(3) Subject to a password available only to the [Authority of] from ICAO, by accessing audit summary reports from the USOAP audits available to the [Authority of] on the ICAO-Net http://www.icao.int/icaonet/;

(c) The [Authority of] shall obtain and evaluate information on the foreign air operator. This information is available –

(1) By applying to the Foreign Authority of the State of the Operator for reports of any inspections that may have been conducted; and

(2) By requesting access to reports of audits of a foreign air operator, conducted by independent aviation audit organisations and / or by other air operators, such as code-sharing partners. Such non-regulatory audits should be used in conjunction with other information such as a report from the ICAO Universal Safety Oversight Audit Programme (USOAP) or other inspection results to evaluate the application.

(d) Foreign Air Operator's Application Form, Section 2 to be completed by the CAA -

(1) In the case of significant negative findings and/or major deficiencies relevant to its review of the safety oversight capabilities and the level of compliance with ICAO Standards of the Foreign Authority of the State of the Operator, the [Authority of] will engage in discussions with the Foreign Authority of the Sate of the Operator seeking resolution of the deficiencies prior to deciding whether to approve or not to approve the Foreign Air Operator Application Form and whether to approve or not to approve a Document of Authorisations, Conditions and Limitations.

(2) In the case of significant negative findings and/or major deficiencies relevant to its evaluation of the foreign air operator, the [Authority of] shall not approve the foreign air operator's Foreign Air Operator Application Form and shall not issue a Document of Authorisations, Conditions and Limitations to the foreign air operator.

ICAO Document 8335 5th Edition, Part VI, Chapters 1: 1.4, 3: 3.1,3.2, 3.3, 3.4, 3.5, 4: 4.1, 4.2

IS 10.8.1.1 REQUIREMENTS FOR APPLICATION BY FOREIGN PERSONS OR OPERATORS FOR APPROVAL TO OPERATE REMOTELY PILOTED AIRCRAFT (RPA) INTO THE TERRITORY OF FSM

(a) Foreign Operator's Application Form – Remotely Piloted Aircraft

Application Form for Remotely Piloted Aircraft Operations by a Foreign Operator –Page 1 of 3

(To be completed by a foreign operator for an approval to conduct operations in FSM)

Sections 1, 2, 3 and 4 – to be completed by applicant

Section 1. Applicant information

1. Operator, or if applicable, Company registered name and trading name if different. Address: mailing address; telephone; fax; and e-mail.	2. Pilot(s) of remote aircraft. Address : mailing address; telephone; fax; and e-mail.

3. Insurance Information: Name of Insurer and address, including telephone: fax and e-mail.

Section 2: Aircraft identification

1. Aircraft registration number: _____

2. Aircraft identification to be used in radiotelephony, if applicable**:** _____

3. Aircraft type: _____

4. Aircraft description (e.g., Engines, propellers, wing span): _____

5. Aircraft controlled via
   - ☐ Line of sight
   - ☐ Satellite
   - ☐ Computer program
   - ☐ Other _____

6. Aircraft equipment (eg. Sprayers,-camera, type, live feed or photographs): _____

7. If camera equipped, aircraft camera transmission destination:
   - ☐ Operator/Company home base
   - ☐ Other (identify):_____

8. Frequency band to be used: _____

Section 3. Description of intended operation

1. Proposed type(s) of operation: check applicable boxes

a. ☐ Aerial mapping b. ☐ Aerial surveying c. ☐ Aerial photography d. ☐ Aerial advertising e. ☐ Aerial surveillance and inspection f. ☐ Forest fire management g. ☐ Meteorological service h. ☐ Search and rescue i. ☐ Accident/incident investigation	j. ☐ Overflight only of FSM k. ☐ Overflight and technical stop in FSM	l. ☐ Cargo, indicate type: _____ l.a. Is cargo classified as dangerous goods: ☐ yes ☐ no l.b. Is payload: ☐ internal ☐ external	☐ Other: _____

Application Form for Remotely Piloted Aircraft Operations by a Foreign Operator –Page 2 of 3

(To be completed by a foreign operator for an approval to conduct operations in FSM)

2. **Flight Rules**: : check applicable boxes
   a. ☐ VFR
   b. ☐ IFR
   c. ☐ IMC
   d. ☐ VLOS (Visual Line of Sight)

3. Dates/Geographic areas/description of intended operations and proposed route structure:

a. Date(s) of intended flight (dd/mm/yyyy): _____
b. Point of departure: _____
c. Destination: _____
d. Route to be followed: _____
e. Cruising speeds(s): _____
f. Cruising level(s)/altitude: _____
g. Duration/frequency of flight: _____
h. Emergency set down sites along proposed route: _____
i. For emergency landings:
   1. responsible person for aircraft recovery: _____
   2. responsible person for clean up if impact occurs: _____
j. Emergency contact telephone numbers: _____

Section 4. RPA Characteristics

1. RPA Characteristics:

a. Type of aircraft:
b. Maximum certificated take-off mass:_____
c. Number of engines: _____
d. Take-off and landing requirements: _____
e. Detect and avoid capabilities: _____
f. Number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable:
_____
g. payload information/description: _____
h. Visual control for takeoff and/or landing or takeoff and landing handled through camera on board: _____

2. Performance characteristics:

a. Operating speeds: _____
b. Typical and maximum climb rates: _____
c. Typical and maximum descent rates: _____
d. Typical and maximum turn rates: _____
e. Maximum aircraft endurance: _____
f. Other, such as limitations for wind, icing, precipitation: _____

4. Communications, Navigation and Surveillance capabilities

a. Aeronautical safety communications frequencies and equipment:
   i. ATC communications, including any alternate means of communication: _____
   ii. Command and control links (C2) including performance parameters and designated operational coverage area;
_____
   iii. Communications between remote pilot and RPA observer, if applicable; _____
b. Navigation equipment; and _____
c. Surveillance equipment (e.g. SSR transponder, ADS-B out). _____

Application Form for Remotely Piloted Aircraft Operations by a Foreign Operator –Page 3 of 3

5. Emergency procedures:

a. Communications failure with ATC: _____

b. C2 failure: _____

c. Remote pilot RPA observer communications failure, if applicable: _____

d. Satellite failure, if applicable: _____

e. Recovery during unplanned landings: _____

f. Communication procedure with local law enforcement in case of impact: _____

Attach copies of the following, in English translation if original documents are not in the English language:

- Proof of Economic Authority, if applicable;
- Certificate of registration;
- Certificate of airworthiness;
- Insurance certificate;
- RPAS operator certificate (certified true copy);
- Remote pilot(s) licence, showing English Language Proficiency to at least ICAO Level 4, and medical certificate(s);
- Aircraft radio station licence, if applicable;
- Noise certification document issued in accordance with ICAO Annex 16;
- Operator security programme; and
- Proposed flight plan to be filed with ATC

Signature of Applicant:	**Date (dd/mm/yyyy):**	**Name and title:**

Section 5 to be completed by the CAA

Evaluated by (name and office):	**CAA decision:** ☐ Approval granted ☐ Not approved
Remarks:	
Signature of CAA representative:	**Date (**dd/mm/yyyy**):**

ICAO Annex 2, Appendix 4: 3.1; 3.2, 3.3

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