



Update on DOT Licensing Process: Operating EU Aircraft into the United States



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Facilitating the Licensing Process

Major Developments

- Review of Part 375 - Expanded Authority for Single Entity Carriage for Hire
- Progress for Licensing Under New U.S.-EU Aviation Agreement – Common Carriage
- Use of Part 375 as an Interim Authority

Private Carriage – Part 375

Former Requirements Cumbersome

- Charters must be planeload
- Limited for each operator to six flights per year
- Operator must file on flight-by-flight basis (multiple applications)
- Operator must identify charterer/routing at time of application

Common Carriage Requirements

- Foreign Air Carrier Permit (or DOT exemption authority) required
- FAA Part 129 Operations Specifications also required
- Operator can sell broadly to the general public
- No numerical limits on charter operations

Issues with Past Part 375 Process

- Customers lost because of flight-by-flight application process and timing issues
- Six flights per year too few; but operations often too limited to justify existing DOT permit/FAA Part 129 process

Simplified Part 375 Procedures

- Operators can file for and receive DOT authority for up to 12 flights
- Operator files application with DOT by letter/email/fax – DOT publishes request
- 7 business day public comment period (unless showing of special need)
- Subject to FAA safety clearance
- DOT public interest finding required

Application Information -1

- Name, business address, citizenship of applicant
- Identify (make/model/tail number) all aircraft that might be used
- Describe proposed operations (number and type of flight)

Application Information - 2

- Describe whether applicant's homeland allows U.S. operators to conduct comparable services
 - Brief justification for requested exception from the 6-flight standard (anticipated need for more; public would benefit from service, etc.)
 - Include copy of applicant's Air Operator Certificate
- ▶ see attached sample application letter

DOT Conditions of Authority

- Operator must notify DOT of flight routing 3 business days before flight (can be less if justified)
- DOT reserves right to withhold a particular flight routing if public interest requires
- Operators must notify DOT of non-use (so DOT can track the 12 flight limit)
- Operator must comply with U.S. law and FAA safety/TSA security requirements
- Does not authorize cabotage, but stopovers permitted
- Operator cannot 'bank' unused flights for future year

Common Carriers - New/Expanded Authority Under U.S.-EU Agreement

- DOT issued Notice inviting EU common carriers to apply for new rights under Agreement for flights commencing in March 2008
- DOT committed to processing applications under expedited 'streamlining' procedures

DOT is Meeting its Commitment to Streamline the Licensing Process

- 62 EU carriers have applied for exemption and/or permit authority
- 33 have been granted authority
- 17 have been granted exemption authority to operate pending grant of permit authority
- 12 are under review
- Importantly, 12 of the applicants have been operators of small aircraft

Part 375 Authorization Update

- Liberalization of Part 375 authorizations has been used very little
- Only 2 carriers have applied for authorization for up to 12 flights (as opposed to the 12 applications for full permit authority)
- The first was granted in May 2007
- The second was granted in May 2008
- ▶ **see attached Special Authorization letter**

Part 375 as an Interim Step to Permit Authority

- The first carrier to receive expanded Part 375 authorization received an exemption to operate unlimited flights 3 months later and permit authority 2 months later
- The second carrier was granted expanded Part 375 authorization in May 2008, 3 weeks after it applied – it also is seeking permit authority and an exemption
- Part 375 as an interim step - comment period and timing important
- May have customers to serve in the immediate future – Part 375 authorization has a 7 business day comment period and turnaround on the application is generally quicker
- Can operate up to 12 planeload charter flights while awaiting action on one's permit and exemption application.



DOT Remains Committed to Streamlining the Licensing Process