



# PAPERS Please

For a domestic operator, the United States provides one of the largest contiguous airspaces in the world governed by common rules and procedures. However, the comfort domestic flying confers can set up the unwary for a major problem when oceans are crossed and a different regard for International Civil Aviation Organization (ICAO) standards and recommended practices is encountered.

I'm sure the U.S. Federal Aviation Administration (FAA) seriously considers everything that comes out of ICAO. However, it has fewer reasons for quickly adopting all of it. The size of the American aviation industry alone is a major impediment to change. It is difficult to justify major changes in how things are done when the affected community is so insular, large and vocal, and there are no urgent problems to correct.

But some nations, especially in Europe, are getting quite comfortable exercising regulatory authority over aircraft registered in other lands but wishing to land in or even transit their airspace.

This concern about the safety of visiting aircraft was expressed early on by the Safety Assessment of Foreign Aircraft, in which aircraft are inspected on airport ramps during their EU stay. This program,

which is still in force, was followed by the EU-wide blacklist program.

Lately, France seems to be taking the lead in a new effort that emphasizes the need for operators to be in compliance with ICAO directives or be denied entry. Most of these rules apply, French authorities believe, to aircraft operated under U.S. Federal Aviation Regulations (FARs) Parts 121 and 135. And while Part 91 aircraft might slide by some rules, if the aircraft is carrying a customer, that person may be viewed ultimately as contributing to the financing of the trip under the strict interpretation being used to apply Part 135 rules.

France requires that the "Operating Permit Questionnaire" be submitted by all operators from outside the EU that have not been in France since Jan. 1, 2008. The questionnaire, to be submitted at least two days before a one-time operation, is extensive, nearly a remote audit of the operator's home country regulatory authorities.

Among the information requested are details on recurrent crew training and testing, including type and location of simulators used and the amount of ground training annually, and how many proficiency checks the cockpit crewmembers complete each year.

But then it goes on to ask if the operator has established a safety management

system (SMS), and if a flight data monitoring program is in place, and, if so, what percentage of flight data is being analyzed.

This last bit, says John C. Flemming, Flight Data Services executive VP, has tripped up a number of U.S. operators, including some Part 121 operators, who either didn't have an SMS program with routine flight data analysis, or analyzed less than 50 percent of the data, and their operation was denied, an experience that brings his company new customers.

Flemming says this insistence on adherence to ICAO standards is spreading, with Belgium, Brazil and Russia joining in, even to the point of demanding registration numbers under the left wing and national flag display.

It seems as if the era of reciprocal agreements and casual acceptance of non-ICAO standards is fading. This change will apply to everyone, but it will come as a greater shock to U.S. operators accustomed to their way of doing things.

A large, stylized handwritten signature in black ink that reads "J.A. Donoghue".

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