

CIVIL AVIATION REGULATIONS

**PART 10—COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS
WITHIN FEDERATED STATES OF MICRONESIA**

FEDERATED STATES OF MICRONESIA

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10.1 GENERAL

10.1.1.1 APPLICABILITY

This regulation prescribes requirements applicable to the operation of any civil aircraft, including airplane or helicopter, for the purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than Federated States of Micronesia. 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) For the purpose of Part 10, the following definitions shall apply:
 - (1) **Foreign air operator.** Any operator, not being an air operator holding an Air Operator Certificate issued by [STATE] under the provisions of ICAO Annex 6, Part I or Part III, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of [STATE], whether on a scheduled or charter basis.
 - (2) **Foreign Authority.** The civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator.

10.1.1.3 COMPLIANCE

- (a) A foreign air operator may not operate an aircraft in commercial air transportation operations in [Federated States of Micronesia] contrary to the requirements of—
 - (1) Part 10;
 - (2) Applicable paragraphs of Parts 7 and 8;
 - (3) Standards contained in ICAO Annex 6, Parts I and III
- (b) Part (a) applies also to any person who engages in an operation governed by this Part of these regulations without the appropriate certificate and operations specification or similar document required as part of the certification.

Chicago Convention, Articles 6 and 12

10.1.1.4 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 [Federated States of Micronesia] to inspect the documents and manuals required by 10.1.2.1 and 10.1.3.

Chicago Convention, Article 16

10.1.1.5 OPERATIONS SPECIFICATIONS

- (a) The authority will direct, by means of operations specifications, which specific operations shall be authorized, prohibited, limited, or subject to certain conditions, in the interest of public safety.
- (b) Each foreign air operator shall have operations specifications that contain the following information—
 - (1) The reason for issuance
 - (2) Applicability and duration
 - (3) Limitations to, or actions required by, the operator
 - (4) Enroute authorizations and limitations; and
 - (5) Aerodrome authorizations
- (c) Operations specifications are supplementary to the provisions of Part 10.

10.1.2 DOCUMENTS

10.1.2.1 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
14 CFR 129.13, 14, 15
JAR OPS 1: 1.915
JAR OPS 3: 3.195*

10.1.2.2 AIR OPERATOR MANUALS TO BE CARRIED

- (a) A foreign air operator shall ensure that--
 - (1) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;
 - (2) Those parts of the Operations Manual which are required for the conduct of a flight are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and

- (3) The current approved Aircraft Flight manual is carried on the aircraft on each flight.

*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 9376, Attachment B to Chapter 6
14 CFR 129.13*

10.1.2.3 ADDITIONAL INFORMATION AND FORMS TO BE CARRIED

- (a) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed 10.2.2.2 and 10.1.2.2, 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 10.2.2.1(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 authorize 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 9376, Attachment B to Chapter 6*

10.1.2.4 PRODUCTION OF DOCUMENTATION, MANUALS AND RECORDS

- (a) A foreign air operator shall—
 - (1) Give any person authorized 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 authorized by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

Chicago Convention, Article 16

10.1.2.5 PRESERVATION, PRODUCTION AND USE OF FLIGHT RECORDER RECORDINGS

Following an accident, incident, in [STATE] involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a flight 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: 6.3.11.2 Notes 1 and 2, 11.6
CFR 129.13, 129.14, 129.15*

10.1.3 PERFORMANCE

10.1.3.1 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 [STATE] to produce evidence validating any standard mass values used.

ICAO Annex 6, Part I: 5.2.7

10.1.3.2 SINGLE-ENGINE AIRCRAFT

- (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.

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

10.1.4 OPERATIONS

10.1.4.1 APPROACH AND LANDING CONDITIONS

- (a) Before initiating an approach to land, the pilot in command must determine that, according the information available--
 - (1) Weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
 - (2) In the case of missed approach, being able to meet the performance requirements contained in the operations manual.

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

10.2 SECURITY

10.2.1.1 AIRCRAFT SECURITY

- (a) A foreign air operators shall--
 - (1) Ensure that all appropriate personnel are familiar, and comply with the relevant requirements of the national security of the state of the operator;

- (2) Establish, maintain and conduct approved training programs 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 minimize the consequences of such events should they occur
- (3) Following an act of unlawful interference on board an aircraft the commander or in their 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 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 unauthorized 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*

10.2.1.2 UNAUTHORISED CARRIAGE

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

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

10.3 DANGEROUS GOODS

10.3.1.1 OFFERING DANGEROUS GOODS FOR TRANSPORT BY AIR

- (a) No foreign air operator may accept dangerous goods for transport by air in Federated States of Micronesia unless the foreign air operator—
 - (1) Has been authorized 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 program as approved by the foreign Authority.
- (c) The foreign air operator shall state in the Operations Specifications required in 10.2 whether or not that operator has been authorised to accept dangerous goods by the foreign Authority.
- (d) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods program authorised by the foreign Authority, the foreign operator shall file a copy of its dangerous goods program with the Authority.

ICAO Annex 18: 8.1, 10

10.3.1.2 CARRIAGE OF WEAPONS OF WAR AND MUNITIONS OF WAR

- (a) A foreign air operator conducting commercial air transportation operations to [Federated States of Micronesia] 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.

*Chicago Convention, Article 35
ICAO Doc. 9284*

10.3.1.3 CARRIAGE OF SPORTING WEAPONS AND AMMUNITION

- (a) A foreign air operator conducting commercial air transportation operations to [Federated States of Micronesia] 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