
VOLUME 2. AIR OPERATOR CERTIFICATION

CHAPTER 4. FOREIGN AIR CARRIERS OPERATING TO THE U.S. AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE OUTSIDE THE U.S.

SECTION 5. MAINTENANCE AND MINIMUM EQUIPMENT LISTS FOR U.S.-REGISTERED AIRCRAFT

319. GENERAL.

A. Title 14 of the Code of Federal Regulations (14 CFR) Part 129 §129.14. This regulation provides the maintenance and minimum equipment requirements for U.S.-registered aircraft operated by a foreign air carrier or any foreign person engaged in common carriage solely outside the United States. Each foreign operator of a U.S.-registered aircraft must ensure that the aircraft is maintained in accordance with a program acceptable to the Administrator which is consistent with the aircraft maintenance program requirements of 14 CFR part 121 or 135, as applicable. See § 129.14(a) and (b).

B. International Civil Aviation Organization (ICAO) Annex 8, Paragraph 4. “Continuing Air-worthiness of Aircraft,” states that the continuing air-worthiness of an aircraft shall be determined by the state of registry in relation to the appropriate airworthiness requirements in force for that aircraft at the time of inspection. This applies to both normal inspections and to inspections after the aircraft has been damaged.

321. APPROVAL. Section 129.14(c) provides for the approval and use of a minimum equipment list (MEL) by a foreign operator. Each foreign operator may develop its own MEL based on the master minimum equipment list (MMEL) approved by the Federal Aviation Administration (FAA) for the specific aircraft type. In seeking approval of its MEL, the foreign operator must show that the maintenance procedures in its maintenance program are adequate to support the use of its MEL. Alternatively, if the foreign operator has leased a U.S.-registered aircraft from a U.S. air carrier, the foreign operator may decide to maintain and operate the aircraft in accordance with the U.S. air carrier’s continuous airworthiness maintenance program and the U.S. air carrier’s FAA-approved MEL. In either case, the foreign operator must submit for processing and approval both the MEL and the maintenance program to the Flight Standards District Office (FSDO) having responsibility for the foreign operator. See Order 8400.10, volume 4, chapter 4, for the MEL approval process.

322.-326. RESERVED.

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