



Sint Maarten Civil Aviation Authority
Ministry of Tourism, Economic Affairs,
Traffic and Telecommunication

Bijlage 1

SINT MAARTEN CIVIL AVIATION REGULATIONS

PART 1—GENERAL POLICIES, PROCEDURES, AND DEFINITIONS

2024

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AMENDMENTS

Location	Date	Description
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PART 1— General Policies, Procedures and Definitions Civil Aviation

Introduction	10/2024	Introduction added
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		inspection, security restricted area, SNOWTAM, State of Design of Modification, State of Manufacture, switchover, syllabus (training), type certificate (TC), type design, and ultimate load
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INTRODUCTION

Part 1 of the Sint Maarten Civil Aviation Regulations (SMCARs) sets forth the basic rules of construction and application of the regulations; general administrative rules governing testing, licensing, and certifications; and investigative; exemptions; and the definitions used in the SMCARs.

In addition, this part of the SMCARs presents the safety management requirements and definitions contained in International Civil Aviation Organization (ICAO) Annex 19, *Safety Management*, Amendment 1; the definitions from Annex 1, *Personnel Licensing*, Amendment 178; Annex 2, *Rules of the Air*, Amendment 47; Annex 6, Part I, *International Commercial Air Transport – Aeroplanes*, Amendment 48; Annex 6, Part II, *International General Aviation – Aeroplanes*, Amendment 40; Annex 6, Part III, *International Operations – Helicopters*, Amendment 24; Annex 7, *Aircraft Nationality and Registration Marks*, Amendment 7; Annex 17, *Aviation*, Amendment 18; and the continuing airworthiness definitions from Annex 8, *Airworthiness of Aircraft*, Amendment 109; and Annex 18, *The Safe Transport of Dangerous Goods by Air*, Amendment 12. The ICAO Annexes do not address the specific setup of a State's regulatory, compliance, and enforcement structure. Consequently, the development of this part is based largely on Title 14 of the United States (U.S.) Code of Federal Regulations (14 CFR).

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Part 1 – General Policies, Procedures, and Definitions

1.1 GENERAL POLICIES

1.1.1.1 RULES OF CONSTRUCTION

- (a) Throughout these regulations the following word usage applies:
 - (1) “shall” indicates a mandatory requirement;
 - (2) “no person may...” or “a person may not...” means that no person is required, authorized, or permitted to perform an act described in a regulation;
 - (3) “may” indicates that discretion can be used when performing an act described in a regulation;
 - (4) “will” indicates an action incumbent upon the Authority;
 - (5) “includes” means “includes but is not limited to”;
 - (6) “approved” means the Authority has reviewed the method, procedure, or policy in question and has issued a formal written approval;
 - (7) “acceptable” means the Authority has reviewed the method, procedure, or policy in question and has neither objected to nor approved its proposed use or implementation;
 - (8) “prescribed” means the Authority has issued written policy or methodology that imposes either a mandatory requirement, if the written policy or methodology states “shall,” or a discretionary requirement if the written policy or methodology states “may”.

1.1.1.2 APPLICABILITY

- (a) These regulations shall apply to all persons operating or maintaining the following—
 - (1) Sint Maarten registered aircraft;
 - (2) Aircraft registered in another Contracting State that are operated by a person licensed by Sint Maarten and maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenance is performed; or
 - (3) Aircraft of other Contracting States operating in Sint Maarten.
- (b) Regulations addressing persons certificated under any Part of these regulations apply also to any person who engages in an operation governed by any Part of these regulations without the appropriate certificate and associated operations specifications, license, or similar document required as part of the certification.
- (c) Regulations addressing general matters establish minimum standards for all aircraft operated in Sint Maarten. Specific standards applicable to the holder of a certificate shall apply if they conflict with a more general regulation.
- (d) Foreign air operators who conduct commercial air transport into, from, or within Sint Maarten, shall be governed by the special limitations and specific approvals of the Operations Specifications issued by the Authority, and by those requirements in Parts 7, 8, and 10 of these regulations that specifically address commercial air transport. Regulations that address AOC holders apply only to operators certificated by Sint Maarten.

1.1.1.3 ORGANIZATION OF REGULATIONS

- (a) These regulations are subdivided into five hierarchical categories:
 - (1) Part refers to the primary subject area.
 - (2) Subpart refers to any subdivision of a Part.
 - (3) Section refers to any subdivision of a Subpart.
 - (4) Subsection refers to the title of a regulation and can be a subdivision of a Subpart or Section.
 - (5) Paragraph refers to the text describing the regulations. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A), 1.
- (b) Abbreviations used within each Part are defined at the beginning of those Parts.
- (c) Notes appear in Subsections to provide exceptions, explanations, and examples to individual requirements.
- (d) Regulations may refer to IS, which provide additional detailed requirements that support the purpose of the subsection, and unless otherwise indicated, have the legal force and effect of the referring regulation. The rules of construction, specified in 1.1.1.1 of this part shall apply to each IS.

1.1.1.4 ABBREVIATIONS

The following abbreviations are used in this part:

- (1) **2D** – two-dimensional
- (2) **3D** – three-dimensional
- (3) **AAT** – airworthiness approval tag
- (4) **AD** – Airworthiness Directive
- (5) **ADS** – automatic dependent surveillance
- (6) **ADS-B** – automatic dependent surveillance – broadcast
- (7) **ADS-C** – automatic dependent surveillance – contract
- (8) **AIP** – Aeronautical Information Publication
- (9) **AMM** – Aircraft Maintenance Manual
- (10) **AMO** – approved maintenance organization
- (11) **AMT** – aviation maintenance technician
- (12) **AOC** – air operator certificate
- (13) **AOM** – Aircraft Operating Manual
- (14) **APV** – approach procedure with vertical guidance
- (15) **ATC** – air traffic control
- (16) **ATO** – approved training organization
- (17) **ATS** – air traffic service
- (18) **C2** – command and control

- (19) **CAT I** – Category I
- (20) **CAT II** – Category II
- (21) **CAT III** – Category III
- (22) **CDFA** – continuous descent final approach
- (23) **CFIT** – controlled flight into terrain
- (24) **CP** – co-pilot
- (25) **CPL** – commercial pilot license
- (26) **DA** – decision altitude
- (27) **DA/H** – decision altitude/height
- (28) **DCA** – Director of Civil Aviation
- (29) **DH** – decision height
- (30) **EDTO** – extended diversion time operations
- (31) **EFB** – electronic flight bag
- (32) **ELT** – emergency locator transmitter
- (33) **EVS** – enhanced vision system
- (34) **FAS** – final approach segment
- (35) **FATO** – final approach and take-off area
- (36) **FSTD** – flight simulation training device
- (37) **GLS** – global landing system
- (38) **IAP** – instrument approach procedure
- (39) **ICAO** – International Civil Aviation Organization
- (40) **IFR** – instrument flight rules
- (41) **ILS** – instrument landing system
- (42) **IMC** – instrument meteorological conditions
- (43) **IS** – Implementing Standards
- (44) **LDP** – landing decision point
- (45) **MCM** – Maintenance Control Manual
- (46) **MDA** – minimum descent altitude
- (47) **MDA/H** – minimum descent altitude/height
- (48) **MDH** – minimum descent height
- (49) **MEL** – minimum equipment list
- (50) **MLS** – microwave landing system
- (51) **MMEL** – master minimum equipment list
- (52) **MSL** – mean sea level
- (53) **NM** – nautical mile

- (54) **NOTAM** – Notice to Airmen
- (55) **NPA** – non-precision approach
- (56) **OCA** – obstacle clearance altitude
- (57) **OCH** – obstacle clearance height
- (58) **OM** – Operations Manual
- (59) **PA** – precision approach
- (60) **PBC** – performance-based communication
- (61) **PBN** – performance-based navigation
- (62) **PBS** – performance-based surveillance
- (63) **PF**-pilot flying
- (64) **PIC** – pilot-in-command
- (65) **PM**-pilot monitoring
- (66) **PPL(A)** – private pilot license – aeroplane
- (67) **PSR** – primary surveillance radar
- (68) **RCP** – required communication performance
- (69) **RNAV** – area navigation
- (70) **RNP** – required navigation performance
- (71) **RPA** – remotely piloted aircraft
- (72) **RPAS** – remotely piloted aircraft system
- (73) **RPS** – remote pilot station
- (74) **RSP** – required surveillance performance
- (75) **RVR** – runway visual range
- (76) **SARPs** – Standards and Recommended Practices
- (77) **SBAS** – satellite-based augmentation system
- (78) **SMM** – Safety Management Manual
- (79) **SMS** – safety management system
- (80) **SSP** – State safety programme
- (81) **SSR** – secondary surveillance radar
- (82) **SVS** – synthetic vision system
- (83) **TDP** – take-off decision point
- (84) **TEM** – threat and error management
- (85) **TSO** – technical standard order
- (86) **UA** – unmanned aircraft
- (87) **UAS** – unmanned aircraft system
- (88) **ULD** – unit load device

- (89) **UN** – United Nations
- (90) **UPU** – Universal Postal Union
- (91) **USD** – U.S. dollars
- (92) **UTC** – coordinated universal time
- (93) **VFR** – visual flight rules
- (94) **VMC** – visual meteorological conditions
- (95) **VNAV** – vertical navigation

1.2 GENERAL ADMINISTRATIVE RULES GOVERNING TESTING, LICENSES, AND CERTIFICATES

1.2.1.1 DISPLAY AND INSPECTION OF LICENSES AND CERTIFICATES

- (a) Pilot license:
 - (1) To act as a pilot of a civil aircraft of Sint Maarten registry, a pilot shall be in physical possession of, or shall have readily accessible in the aircraft, a valid pilot license or special purpose authorization issued under these regulations.
 - (2) To act as a pilot of a civil aircraft of foreign registry within Sint Maarten, a pilot shall be the holder of a valid pilot license, and shall be in physical possession of the pilot license in physical possession or shall have the pilot license readily accessible in the aircraft.
- (b) Flight instructor license: A person who holds a flight instructor license shall have that license, or other documentation acceptable to the Authority, in that person's physical possession or readily accessible in the aircraft or at worksite when exercising the privileges of that license.
- (c) Other airman license: A person required by any part of these regulations to have an airman license shall have that license in that person's physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that license.
- (d) Medical certificate: A person required by any part of these regulations to have a current medical certificate shall have that certificate in that person's physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that certificate.
- (e) ATO certificate: Each holder of an ATO certificate shall display that certificate in the school in a place that is normally accessible to the public and is not obscured.
- (f) Certificate of Aircraft Registration: Each owner or operator of an aircraft shall carry the certificate of aircraft registration on the aircraft and shall have that certificate available for inspection.
- (g) Certificate of Airworthiness: Each owner or operator of an aircraft shall carry the certificate of airworthiness for that aircraft and shall have that certificate available for inspection
AMO Certificate: Each holder of an AMO certificate shall prominently display that certificate in a place that is accessible to the public in the principal business office of the AMO
- (h) Aerial work certificate: Each owner or operator of an aircraft engaged in aerial work shall carry the aerial work certificate or a copy of that certificate on the aircraft and shall have the certificate available for inspection. When the Authority issues equivalent Authorizations in lieu of a certificate to authorize aerial work, those Authorizations, or copy thereof, shall be on the aircraft and available for inspection.

- (i) AOC: Each owner or operator of an aircraft engaged in commercial air transport shall carry the AOC or a copy of the AOC on the aircraft and shall have that certificate available for inspection.
- (j) Inspection of license, Certificate, or Authorization: Each person who holds a license, a medical certificate, or an Authorization required by these regulations shall present it for inspection upon a request from—
 - (1) The Authority; or
 - (2) Any national or local law enforcement officer.

1.2.1.2 CHANGE OF NAME

- (a) A holder of a license or certificate issued under these regulations may apply to change the name on that license or certificate. The holder shall include with any such request—
 - (1) The current license or certificate; and
 - (2) A copy of the marriage license, court order, or other document verifying the name change
- (b) The Authority will return to the license or certificate holder the documents specified in paragraph 1.2.1.2 (a) of this subsection.

1.2.1.3 CHANGE OF ADDRESS

- (a) The holder of a license or certificate who has made a change in permanent mailing address shall not, after 30 days from the date of that change, exercise the privileges of the license or certificate unless the holder has notified the Authority in writing of the new permanent mailing address, or the current residential address if the permanent mailing address includes a post office box number.

1.2.1.4 REPLACEMENT OF A LOST OR DESTROYED AIRMAN LICENSE, MEDICAL CERTIFICATE, OR KNOWLEDGE TEST REPORT

- (a) An applicant or holder of an airman license or a medical certificate who has lost or destroyed one of the following documents issued under these regulations shall request a replacement in writing from the office designated by the Authority:
 - (1) Airman license;
 - (2) A medical certificate; or
 - (3) A knowledge test report.
- (b) The airman or applicant shall state in the request letter—
 - (1) The name of the airman or applicant;
 - (2) The permanent mailing address of the airman or applicant or, if the permanent mailing address includes a post office box number, that person's current residential address;
 - (3) The Social Security number or equivalent national identification number of the airman or applicant;
 - (4) The date and place of birth of the airman or applicant; and
 - (5) Any available information regarding the—
 - (i) Grade, number, and date of issuance of the airman license, ratings, or medical certificate, if applicable;
 - (ii) Date of the medical examination, if applicable; and

- (iii) Date the knowledge test was taken, if applicable.
- (c) After receiving a facsimile from the Authority confirming that the lost or destroyed document was issued, an airman may carry the facsimile in lieu of the lost or destroyed document for up to 60 days pending the airman's receipt of a duplicate document.

1.2.1.5 FALSIFICATION, REPRODUCTION, OR ALTERATION OF APPLICATIONS, LICENSES, CERTIFICATES, LOGBOOKS, REPORTS, OR RECORDS

- (a) No person shall make or cause to be made concerning any license, certificate, rating, qualification, or Authorization, or application for or duplicate thereof, issued under these regulations:
 - (1) Any fraudulent or intentionally false statement;
 - (2) Any fraudulent or intentionally false entry in any logbook, record, or report that these regulations require, or used to show compliance with any requirement of these regulations;
 - (3) Any reproduction for fraudulent purpose; or
 - (4) Any alteration.
- (b) Any person who commits any act prohibited under paragraph 1.2.1.5(a) of this subsection shall have his or her airman license, rating, certificate, qualification, or Authorization revoked or suspended.

1.2.1.6 VOLUNTARY SURRENDER OR EXCHANGE OF LICENSE

- (a) The holder of a license or certificate issued under these regulations may voluntarily surrender it for:
 - (1) Cancellation;
 - (2) Issuance of a lower grade license; or
 - (3) Another license with specific ratings deleted.
- (b) A license holder requesting voluntary surrender of a license shall include the following signed statement or its equivalent: "This request is made for my own reasons, with full knowledge that my (insert name of license or rating, as appropriate) may not be reissued to me unless I again pass the tests prescribed for its issuance."

1.2.1.7 PROHIBITION ON PERFORMANCE DURING MEDICAL DEFICIENCY

- (a) A person who holds a current medical certificate issued under these regulations shall not act in a capacity for which that medical certificate is required while that person:
 - (1) Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the required medical certificate; or
 - (2) Is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the required medical certificate.

1.2.1.8 PSYCHOACTIVE SUBSTANCE TESTING AND REPORTING

- (a) Any person who performs any function requiring a license, certificate, rating, qualification, or Authorization prescribed by these regulations directly or by contract for a certificate holder under these regulations may be tested for usage of psychoactive substances.
- (b) Any person subject to these regulations who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer or the Authority, or

refuses to furnish or to authorize the release of the test results requested by the Authority may:

- (1) Be denied any license, certificate, rating, qualification, or Authorization issued under these regulations for a period of up to 1 year after the date of that refusal; or
 - (2) Have the license, certificate, rating, qualification, or Authorization issued under these regulations suspended or revoked.
- (c) Any person subject to these regulations who refuses to submit to a test to indicate the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorize the release of the test results requested by the Authority may:
 - (1) Be denied any license, certificate, rating, qualification, or Authorization issued under these regulations for a period of up to 1 year after the date of that refusal; or
 - (2) Have the license, certificate, rating, qualification, or Authorization issued under these regulations suspended or revoked.
- (d) Any person subject to these regulations who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, may:
 - (1) Be denied any license, certificate, rating, qualification, or Authorization issued under these regulations for a period of up to 1 year after the date of final conviction; or
 - (2) Have the license, certificate, rating, qualification, or Authorization issued under these regulations suspended or revoked.
- (e) A list of chemicals that are considered psychoactive substances is contained in IS 1.2.1.8.

1.3 INVESTIGATIVE AND ENFORCEMENT PROCEDURES

1.3.1 INVESTIGATIVE PROCEDURES

1.3.1.1 REPORTS OF VIOLATIONS

- (a) Any person who knows of a violation of the National Ordinance Aviation (“Luchtvaartlandsverordening”) or any regulation issued thereunder, shall report it to the Authority.
- (b) Each report made under this section together with any other information the Authority may have that is relevant to the matter reported will be reviewed by the Authority to determine the nature and type of any additional investigation or enforcement action the Authority will take.

1.3.1.2 INVESTIGATIONS—GENERAL

- (a) Under the National Ordinance Aviation (“Luchtvaartlandsverordening”), the Director of Civil Aviation may conduct investigations, hold hearings, require the production of relevant documents, records, and property, and take evidence and depositions.

1.3.1.3 FORMAL COMPLAINTS

- (a) Complaints submitted to the Authority under paragraph 1.3.1.1(a) of this part shall be submitted in a form and manner prescribed by the Authority.

1.3.2 RESERVED

1.3.3 RESERVED

1.4 EXEMPTIONS

1.4.1 APPLICABILITY

- (a) This subpart prescribes procedures for the application, review, and denial or issuance of exemptions from the National Ordinance Aviation (“Luchtvaartlandsverordening”) or any regulation issued thereunder.

1.4.2 GENERAL

- (a) Any interested person may apply to the Authority for an exemption from these Regulations.
- (b) Only the Authority may issue exemptions, and no person may take or cause to be taken any action not in compliance with these Regulations unless the Authority has issued an applicable exemption to that person.
- (c) Exemptions will be granted in extraordinary circumstances.
- (d) The exemption provisions of this Part can also be applied for an aerodrome operator/service provider request.

1.4.3 APPLICATION FOR EXEMPTION

- (a) Applications for exemptions shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.
- (b) The application shall contain the applicant's:

- (1) Name.
 - (2) Street address and mailing address, if different.
 - (3) Telephone number.
 - (4) Fax number if available.
 - (5) Email address if available; and
 - (6) Agent for all purposes related to the application.
- (c) In addition to paragraph 1.4.3(b) of this subsection, the application shall contain:
 - (1) A citation of the specific requirement from which the applicant seeks relief;
 - (2) Description of the type of operations to be conducted under the proposed exemption;
 - (3) The proposed duration of the exemption;
 - (4) An explanation of how the exemption would be in the public interest, that is, how it would benefit the public as a whole;
 - (5) A safety risk assessment;
 - (6) A detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the Regulation in question;
 - (7) A review and discussion of any known safety concerns with the regulation, including information about any relevant accidents or incidents of which the applicant is aware; and
 - (8) If the applicant seeks to operate under the proposed exemption outside Sint Maarten airspace, an indication of whether the exemption would contravene any provision of the ICAO SARPs.
- (d) If the applicant is not a citizen or legal resident of Sint Maarten, the application must specify a Sint Maarten agent for service.
- (e) If the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely fashion.

1.4.4 REVIEW, PUBLICATION, NOTIFICATION, AND EXTENTION OF THE EXEMPTION

1.4.4.1 INITIAL REVIEW BY THE AUTHORITY

- (a) The Authority will review the application for accuracy and compliance with the requirements of 1.4.3 of this part.
- (b) If the filing requirements of 1.4.3 have not been met, the Authority will notify the applicant and take no further action until the applicant complies with the requirements of that subsection.
- (c) If the application appears on its face to satisfy the requirements of 1.4.3 and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application for comment and will specify the date by which comments shall be received by the Authority for consideration.

1.4.4.2 EVALUATION OF THE REQUEST

- (a) After initial review, if the filing requirements have been satisfied, the Authority will conduct a technical evaluation of the request, to include:

- (1) A determination of whether an exemption would be in the public interest.
- (2) A determination of whether the applicant's proposal would provide a level of safety equivalent to that established by the Regulation.
 - (i) If it appears to the Authority that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis.
- (3) A determination, if the applicant seeks to operate under the exemption outside of Sint Maarten airspace, of whether a grant of the exemption would contravene the provisions of the applicable ICAO SARPs.
- (4) An evaluation of comments received from interested parties concerning the proposed exemption.
- (5) A recommendation, based on the preceding elements, of whether the request may be granted or denied, and of any conditions or limitations that shall be part of the exemption.

1.4.4.3 NOTIFICATION OF DETERMINATION

- (a) The Authority will notify the applicant by formal letter and publish a detailed summary of its technical evaluation and decision to grant or deny the request for exemption. The summary shall specify the duration of the exemption and any conditions or limitations to the exemption.
- (b) If the request is for emergency relief, the Authority will publish the application and/or the Authority's decision as soon as possible after processing the application.
- (c) If the exemption affects a significant population of the aviation community of Sint Maarten the Authority will also publish the summary in its AIP.

1.4.4.4 EXTENSION OF THE EXEMPTION TO OTHER INTERESTED PARTIES

- (a) If the Authority determines that an exemption should be granted, other persons or organizations may apply to the Authority to be included in the relief granted.
- (b) Such applications shall be in accordance with the requirements of 1.4.3 of this part.
- (c) If the Authority determines that the request merits extension of the exemption to the applicant, it will notify the applicant by letter, specifying the duration of the exemption, and listing any additional conditions that may pertain to the applicant that are not addressed in the underlying exemption.

1.5 DEFINITIONS

Note: All definitions used in these regulations have been moved to this subsection for ease of reference. Definitions that are predominately used in specific Parts of these regulations may also be included in those parts. In some instances, definitions in the (National Ordinance Aviation (“Luchtvaartlandsverordening”)) may be different from the definitions used in these regulations. This is because the laws tend to be written more broadly and may apply to different government agencies within Sint Maarten. These agencies must define terms according to their specific need. This Part uses ICAO definitions, where available.

- (a) For the purpose of these regulations, the following definitions shall apply:
- (1) **Accelerate-stop distance available (ASDA).** The length of the take-off run available plus the length of the stopway, if provided.
 - (2) **Acceptable.** A rule of construction in paragraph 1.1.1.1(a)(7) of this part that means the Authority has reviewed the method, procedure, or policy and has neither objected to nor approved its proposed use or implementation.
 - (3) **Acceptance checklist.** As relating to the safe transport of dangerous goods, a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met.
 - (4) **Accident.** In a safety management context, an occurrence associated with the operation of an aircraft that, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of a UA, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, and in which:
 - (i) A person is fatally or seriously injured as a result of being in the aircraft; having direct contact with any part of the aircraft, including parts that have become detached from the aircraft; or having direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted, or inflicted by other persons or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;
 - (ii) The aircraft sustains damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, or the aircraft skin (such as small dents or puncture holes); minor damages to main rotor blades, tail rotor blades, or landing gear; and damage resulting from hail or bird strike (including holes in the radome); or
 - (iii) The aircraft is missing or is completely inaccessible.

Notes:

Note 1: For statistical uniformity only, an injury resulting in death within 30 days of the date of the accident is classified by ICAO as a fatal injury.

Note 2: An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

Note 3: The type of UAS to be investigated is addressed in ICAO Annex 13: 5.1.

Note 4: Guidance for determining aircraft damage can be found in ICAO Annex 13, Attachment E.

- (5) **Accountable manager.** The person acceptable to the Authority who has corporate authority for ensuring that all activities can be financed and carried out to the standard required by the Authority and any additional requirements defined by the operator. The accountable manager may delegate in writing to another person within the organization the day-to-day management, but not the overall approval management responsibility.
- (6) **Accredited medical conclusion.** The conclusion reached by one or more medical experts acceptable to the Licensing Authority for the purposes of the case concerned, in consultation with flight operations or other experts as necessary.
- (7) **Accredited representative.** As relating to an aircraft accident, a person designated by a State, on the basis of the person's qualifications, for the purpose of participating in an investigation conducted by another party.
- (8) **Acrobatic flight.** Manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed.
- (9) **Acts of unlawful interference.** Acts or attempted acts such as to jeopardize the safety of civil aviation and air transport, including:
 - (i) Unlawful seizure of aircraft;
 - (ii) Destruction of an aircraft in service;
 - (iii) Hostage-taking on board aircraft or at aerodromes;
 - (iv) Forcible intrusion on board an aircraft, at an aerodrome, or on the premises of an aeronautical facility;
 - (v) Introduction on board an aircraft or at an aerodrome of a weapon or hazardous device or material intended for criminal purposes;
 - (vi) Use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; and
 - (vii) Communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, or of passengers, crew, ground personnel, or the general public, at an aerodrome or on the premises of a civil aviation facility.
- (10) **Adapted competency model.** A group of competencies with their associated descriptions and performance criteria adapted from an ICAO competency framework that an organization uses to develop competency-based training and assessment for a given role.
- (11) **Advanced aircraft.** An aircraft with equipment in addition to that required for a basic aircraft for a given take-off, approach, or landing operation.
- (12) **Advisor.** As relating to an aircraft accident, a person appointed by a State on the basis of the person's qualifications, for the purpose of assisting its accredited representative in an investigation.
- (13) **Advisory airspace.** An airspace of defined dimensions, or a designated route, within which air traffic advisory service is available.
- (14) **Advisory route.** A designated route along which air traffic advisory service is available.
- (15) **Aerial work.** An aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

- (16) **Aerodrome.** A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure, and surface movement of aircraft.
- (17) **Aerodrome control service.** ATC service for aerodrome traffic.
- (18) **Aerodrome control tower.** A unit established to provide ATC service to aerodrome traffic.
- (19) **Aerodrome flight information service (AFIS).** A directed traffic information and operational information service provided within an aerodrome flight information zone to all radio equipped aircraft, to assist in the safe and efficient conduct of flight.
- (20) **Aerodrome operating minima.** The limits of usability of an aerodrome for:
- (i) Take-off, expressed in terms of RVR and/or visibility and, if necessary, cloud conditions;
 - (ii) Landing in 2D instrument approach operations, expressed in terms of visibility and/or RVR, MDA/H, and if necessary, cloud conditions; and
 - (iii) Landing in 3D instrument approach operations, expressed in terms of visibility and/or RVR and DA/H, as appropriate to the type and/or category of operation.
- (21) **Aerodrome traffic.** All traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome.
- Note: An aircraft is in the vicinity of an aerodrome when it is in, entering, or leaving an aerodrome traffic circuit.
- (22) **Aerodrome traffic zone (ATZ).** An airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic.
- (23) **Aeronautical experience.** Pilot time obtained in an aircraft or approved FSTD for meeting the training and flight time requirements of these regulations.
- (24) **Aeronautical Information Publication (AIP).** A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.
- (25) **Aeronautical product.** Any aircraft, aircraft engine, or aircraft propeller, or a part to be installed thereon.
- (26) **Aeronautical station.** A land station in the aeronautical mobile service. In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea.
- (27) **Aeroplane.** A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces that remain fixed under given conditions of flight.
- (28) **Aeroplane system.** Includes all elements of equipment necessary for the control and performance of a particular major function. It includes both the equipment specifically provided for the function in question and other basic related aeroplane equipment, such as that required to supply power for the equipment operation. The engine is not considered to be an aeroplane system.
- (29) **Agreement summary:** When an aircraft is operating under an Article 83 *bis* agreement between the State of Registry and another State, the agreement summary is a document transmitted with the Article 83 *bis* agreement registered with the ICAO Council that identifies succinctly and clearly which functions and duties are transferred by the State of

Registry to that other State

Note: The other State in the above definition refers to either the State of the Operator for commercial air transport operations or, for general aviation operations, to the State of the principal location of a general aviation operator

- (30) **Agricultural aircraft operation.** The operation of an aircraft for the purpose of:
- (i) Dispensing any economic poison;
 - (ii) Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or
 - (iii) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.
- (31) **Aided night flight.** For a flight in which a pilot uses night vision goggles, the portion of the flight in which the pilot uses night vision goggles to maintain visual surface reference.
- (32) **Air Ambulance and/or EMS Airplane.** An airplane designated for transportation of ambulatory patients or other patients requiring special care including, but not limited to, basic life support (BLS) or advanced life support (ALS). An air ambulance aircraft is equipped with the medical equipment necessary to support these levels of care in flight with trained medical personnel.
- (33) **Airborne collision avoidance system (ACAS).** An aircraft system based on SSR transponder signals that operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders.
- (34) **Airborne image recorder (AIR).** A device that uses a combination of cameras to collect and record information that reflects the status of various parts of the aircraft (internal and external). Source: Current edition of EUROCAE ED-112A, *Minimum Operational Performance Specification for Crash Protected Airborne Recorder Systems*, paragraph 1-1.5.1
- (35) **Aircraft.** Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. The term "aircraft," when used in the National Ordinance Aviation or in these regulations, shall apply only to civil aircraft and not to State or public aircraft.
- Note 1: Classification of aircraft is prescribed in IS 4.2.1.6.
- Note 2: As of 26 November 2026, when the word aircraft is used, it includes the remotely piloted aircraft.
- (36) **Aircraft avionics.** A term designating any electronic device, including its electrical part, for use in an aircraft, including radio, automatic flight control, and instrument systems.
- (37) **Aircraft – category.** Classification of aircraft according to specified basic characteristics (e.g., aeroplane, helicopter, glider, free balloon, airship, powered-lift).
- (38) **Aircraft certificated for multi-pilot operation.** A type of aircraft that the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of two pilots.
- (39) **Aircraft certificated for single-pilot operation.** A type of aircraft that the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of one pilot.

- (40) **Aircraft component.** Any component part of an aircraft up to and including a complete powerplant and/or any operational/emergency equipment.
- (41) **Aircraft data recording system (ADRS).** A device or devices that use a combination of data providers to collect and record parameters that reflect the state and performance of an aircraft. Source: Current edition of EUROCAE ED-155, *Minimum Operational Performance Specification for Lightweight Flight Recording Systems*, paragraph 1-1.5.1.
- (42) **Aircraft engine.** Any engine used, or intended to be used, for propulsion of aircraft, including all parts, appurtenances, and accessories thereof other than propellers.
- (43) **Aircraft Flight Manual (AFM).** A manual, associated with the certificate of airworthiness, containing the limitations within which the aeroplane is to be considered airworthy and the instructions and information necessary to the flight crew members for the safe operation of the aeroplane.
- (44) **Aircraft Operating Manual (AOM).** A manual, acceptable to the State of the Operator, containing normal, abnormal, and emergency procedures; checklists; limitations; performance information; details of the aircraft systems; and other material relevant to the operation of the aircraft.
Note: The AOM is part of the operator's OM.
- (45) **Aircraft piracy.** Any actual or attempted seizure or exercise of control, by force or violence or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of Sint Maarten.
- (46) **Aircraft Registry:** The PJ registry shared between Sint Maarten and Curacao.
- (47) **Aircraft required to be operated with a CP.** A type of aircraft that is required to be operated with a CP, as specified in the flight manual or by the AOC.
- (48) **Aircraft security check.** An inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purpose of discovering suspicious objects, weapons, explosives, or other dangerous devices, articles, or substances.
- (49) **Aircraft security search.** A thorough inspection of the interior and exterior of an aircraft for the purpose of discovering suspicious objects, weapons, explosives, or other dangerous devices, articles, or substances.
- (50) **Aircraft technical log.** A document that is carried on an aircraft and contains information to meet ICAO Standards; it contains two independent sections: a journey records section and an aircraft continuing airworthiness records section.
- (51) **Aircraft tracking.** A process established by the operator that maintains and updates, at standardized intervals, a ground-based record of the four-dimensional position of individual aircraft in flight.
- (52) **Aircraft – type of.** All aircraft of the same basic design, including all modifications thereto except those modifications that result in a change in handling or flight characteristics.
- (53) **Airframe.** The fuselage, booms, nacelles, cowlings, fairings, aerofoil surfaces (including rotors but excluding propellers and rotating aerofoils of a powerplant), and landing gear of an aircraft and their accessories and controls.
- (54) **Air-ground control radio station.** An aeronautical telecommunication station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area.

- (55) **Airman.** Refers to:
- (i) Any individual who engages, as the person in command or as a pilot, mechanic, or member of the crew, or navigates an aircraft while the aircraft is underway;
 - (ii) Any individual in charge of the inspection, maintenance, overhaul, or repair of aircraft and any individual in charge of the inspection, maintenance, overhaul, or repair of aircraft engines, propellers, or appliances; or
 - (iii) Any individual who serves in the capacity of flight operations officer.
- (56) **Airmanship.** The consistent use of good judgement and well-developed knowledge, skills, and attitudes to accomplish flight objectives.
- (57) **Air navigation facility.** Any facility used in, available for use in, or designed for use in the aid of air navigation, including aerodromes, landing areas, and lights; any apparatus or equipment for disseminating weather information, signalling, radio directional finding, or radio or other electrical communication; and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.
- (58) **Air operator.** Any organization that undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.
- (59) **Air operator certificate (AOC).** A certificate authorizing an operator to carry out specified commercial air transport operations.
- (60) **Air operator security programme.** Each Contracting State shall establish and implement a written national civil aviation security programme to safeguard civil aviation operations against acts of unlawful interference, through regulations, practices, and procedures that take into account the safety, regularity, and efficiency of flights.
- (61) **Airship.** A power-driven lighter-than-air aircraft.
- (62) **Airside.** The movement area of an aerodrome and adjacent terrain and buildings, or portions thereof, access to which is controlled.
- (63) **Air-taxiing.** Movement of a helicopter/vertical take-off and landing above the surface of an aerodrome, normally in ground effect and at a ground speed normally less than 37 km/h (20 kt).

Note: The actual height may vary, and some helicopters may require air-taxiing 8 m (25 ft) above ground level to reduce ground-effect turbulence or provide clearance for cargo slingloads.

- (64) **Air traffic.** All aircraft in flight or operating on the manoeuvring area of an aerodrome.
- (65) **Air traffic advisory service.** A service provided within advisory airspace to ensure separation, insofar as practical, between aircraft that are operating on IFR flight plans.
- (66) **Air traffic control (ATC) clearance.** Authorization for an aircraft to proceed under conditions specified by an ATC unit.

Note 1: For convenience, the term “ATC clearance” is frequently abbreviated to “clearance” when used in appropriate contexts.

Note 2: The abbreviated term “clearance” may be prefixed by the words “taxi,” “take-off,” “departure,” “en route,” “approach,” or “landing” to indicate the particular portion of flight to which the ATC clearance relates.

- (67) **Air traffic control (ATC) facility.** A building holding the persons and equipment responsible for providing ATC services (e.g., aerodrome tower, approach control, centre). May also be called an ATC unit.
- (68) **Air traffic control (ATC) service.** A service provided within advisory airspace that promotes the safe, orderly, and expeditious flow and separation of air traffic at aerodromes and during the approach, departure, and en route environments including aircraft that are operating on IFR flight plans. May also be called air traffic advisory service or ATS.
- (69) **Air traffic service (ATS).** A generic term meaning variously, flight information service, alerting service, air traffic advisory service, ATC service (area control service, approach control service, or aerodrome control service.) See also air traffic control (ATC) service.
- (70) **Air traffic service (ATS) airspaces.** Airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which ATs and rules of operation are specified.
- Note: ATS airspaces are classified as Class A to G.*
- (71) **Air traffic service (ATS) or air traffic control (ATC) route.** A specified route designed for channeling the flow of air traffic as necessary for the provision of ATs, defined by route specifications that include an ATS or ATC route designator, the track to or from significant points (way points), the distance between significant points, the reporting requirements, and as determined by the appropriate ATS or ATC authority, the lowest safe altitude.
- Note: ATS or ATC route is used to mean variously: airway, advisory route, controlled or uncontrolled route, or arrival or departure route.*
- (72) **Air traffic service (ATS) reporting office.** A unit established for the purpose of receiving reports concerning ATS and flight plans submitted before departure.
- Note: An ATS reporting office may be established as a separate unit or combined with an existing unit, such as another ATS unit, or a unit of the aeronautical information service.*
- (73) **Air traffic service (ATS) surveillance service.** Indicates a service provided directly by means of an ATS surveillance system.
- (74) **Air traffic service (ATS) surveillance system.** A generic term meaning variously, ADS-B, PSR, SSR, or any comparable ground-based system that enables the identification of aircraft.
- Note: A comparable ground-based system is one that has been demonstrated, by comparative assessment or other methodology, to have a level of safety and performance equal to or better than monopulse SSR.*
- (75) **Air traffic service (ATS) unit.** A generic term meaning variously, ATC unit, flight information centre, or ATS reporting office.
- (76) **Airway.** A control area or portion thereof established in the form of a corridor.
- (77) **Airworthiness approval tag (AAT).** A tag that shall be attached to a part. The tag shall include the part number, serial number, and current life status of the part. Each time the part is removed from a type-certificated product, a new tag shall be created or the existing tag shall be updated with the current life status. The AAT has two distinct purposes: (1) as an approval for return to service of an aeronautical product or assembly after maintenance, overhaul, modification, repair, or inspection; and (2) for shipping of a newly manufactured part.

- (78) **Airworthiness data.** Any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft or serviceability of operational and emergency equipment, as appropriate, is assured.
- (79) **Airworthiness Directive (AD).** Continuing airworthiness information that applies to the following products: aircraft, aircraft engines, propellers, and appliances. An AD is mandatory if issued by the State of Design.
- (80) **Airworthiness release.** The air operator's aircraft are released for service following maintenance by a person specifically authorized by the air operator rather than by an individual or maintenance organization on the air operator's behalf.

Note: Regarding the airworthiness release, in effect, the person signing the release acts in the capacity of an authorized agent for the operator and is certifying that the maintenance covered by the release was accomplished according to the air operator's continuing airworthiness maintenance programme. Normally, a release is required following inspections prescribed by the air operator's operations specifications, maintenance activities involving inspections, and any other significant maintenance. A copy of the airworthiness release must be given to the PIC before the aircraft commences operations. The air operator is obligated to designate, by name or occupational title, each licensed AMT or maintenance organization authorized to execute the airworthiness release. In addition, the air operator shall designate when an airworthiness release is required.

- (81) **Airworthy.** Until 25 November 2026, The status of an aircraft, engine, propeller, or part when it conforms to its approved design and is in a condition for safe operation
- (82) **Alerting service.** A service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid and to assist such organizations as required.
- (83) **Alternate aerodrome.** An aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or land at the aerodrome of intended landing and where the necessary services and facilities are available, where aircraft performance requirements can be met, and which is operational at the expected time of use. Alternate aerodromes include the following:
- (i) **Take-off alternate.** An alternate aerodrome at which an aircraft would be able to land should this become necessary shortly after take-off and if it is not possible to use the aerodrome of departure.
 - (ii) **En route alternate.** An alternate aerodrome at which an aircraft would be able to land in the event that a diversion becomes necessary while en route.
 - (iii) **Destination alternate.** An alternate aerodrome at which an aircraft would be able to land should it become either impossible or inadvisable to land at the aerodrome of intended landing.

Note: The aerodrome from which a flight departs may also be an en route or a destination alternate aerodrome for that flight.

- (84) **Alternative means of compliance.** An approved alternative to prescribed approaches, which has been demonstrated to consistently achieve or exceed the desired outcomes as intended through regulation.

Note: An example of an alternative means of compliance would be the Authority's approval of reduced flight time from 40 hours to 35 hours for a PPL(A) when training is conducted in an ATO.

- (85) **Altimetry system error (ASE).** The difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure

altitude corresponding to the undisturbed ambient pressure.

- (86) **Altitude.** The vertical distance of a level, a point, or an object considered as a point, measured from MSL.
- (87) **Annexes to the Chicago Convention.** The documents issued by ICAO containing the SARPs applicable to civil aviation.
- (88) **Anticipated operating conditions.** Until 25 November 2026, those conditions that are envisaged to occur during the operation life of the aircraft, taking into account the operations for which the aircraft is made eligible, the conditions so considered being relative to the meteorological state of the atmosphere, the configuration of terrain, the functioning of the aircraft, the efficiency of personnel, and all the factors affecting safety in flight. Anticipated operating conditions do not include:
 - (i) Those extremes that can be effectively avoided by means of operating procedures; and
 - (ii) Those extremes that occur so infrequently that to require the standards to be met in such extremes would give a higher level of airworthiness than experience has shown to be necessary and practical.
- (89) **Appliances.** Instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, that are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes, communication equipment, and any other mechanism or mechanisms installed in or attached to aircraft during flight) and that are not part or parts of aircraft, aircraft engines, or propellers.
- (90) **Approach and landing phase – helicopters.** That part of the flight from 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or from the commencement of the descent in the other cases, to landing or to the balked landing point.
- (91) **Approach control service.** ATC service for arriving or departing controlled flights.
- (92) **Approach control unit.** A unit established to provide ATC service to controlled flights arriving at, or departing from, one or more aerodromes.
- (93) **Approach procedure with vertical guidance (APV).** A PBN IAP designed for 3D instrument approach operations Type A.
- (94) **Appropriate air traffic service (ATS) or air traffic control (ATC) authority.** The relevant authority designated by the State responsible for providing ATS or ATC in the airspace concerned.
- (95) **Appropriate airworthiness requirements.** Until 25 November 2026, the comprehensive and detailed airworthiness codes established, adopted, or accepted by a Contracting State for the class of aircraft, engine, or propeller under consideration.
- (96) **Appropriate authority.**
 - (i) Regarding flight over the high seas: The relevant authority of the State of Registry.
 - (ii) Regarding flight other than over the high seas: The relevant authority of the State having sovereignty over the territory being overflown.
- (97) **Approval.** As relating to dangerous goods in Parts 8 and 9 of these regulations, a provision in ICAO Annex 18 states that an approval is an Authorization granted by an

appropriate national authority for:

- (iii) The transport of dangerous goods forbidden on passenger and/or cargo aircraft where the Technical Instructions state that such goods may be carried with an approval; or
- (iv) Other purposes as provided for in the Technical Instructions.

Note 1: In the absence of a specific reference in the Technical Instructions allowing the granting of an approval, an exemption may be sought.

Note 2: See definition below for Technical Instructions.

- (98) **Approval for return to service.** A document that contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner, either in accordance with the approved data and the procedures described in the AMO Procedures Manual or under an equivalent system.
- (99) **Approved.** Accepted by a Contracting State as suitable for a particular purpose.
Note: Relating to approvals as used in these regulations, the term "approved" is a rule of construction in paragraph 1.1.1.1(a)(6) of this part that means the Authority has reviewed the method, procedure, or policy in question and has issued a formal written approval.
- (100) **Approved by the Authority.** Approved by the Authority directly or in accordance with a procedure approved by the Authority.
- (101) **Approved curriculum.** A set of special training courses in an area of specialization offered by an ATO and approved by the Authority.
- (102) **Approved data.** Technical information approved by the Authority.
- (103) **Approved maintenance organization (AMO).** An organization approved by the Authority, in accordance with Part 6 of these regulations, to perform maintenance, overhaul, modification, repair, or inspection on an aircraft, aeronautical product, or, as of 26 November 2026, an RPS, and operating under supervision approved by the Authority
Note: Nothing in this definition is intended to preclude that the organization and its supervision be approved by more than one State.
- (104) **Approved standard.** A manufacturing, design, maintenance, or quality standard approved by the Authority.
- (105) **Approved training.** Training carried out under special curricula and supervision approved by the Authority.
- (106) **Approved training organization (ATO).** An organization approved by the Authority, in accordance with Part 3 of these regulations, to perform flight crew training, mechanic training, and other training approved by the Authority.
- (107) **Approved Training Organization (ATO) Procedures Manual.** A manual containing procedures, instructions, and guidance for use by personnel of an ATO in the execution of their duties in meeting the requirements of the certificate. It may be a combined manual or may be separated into a Training Manual and a Procedures Manual.
 - (i) **Training manual.** A manual containing the training goals, objectives, standards, syllabi, and curriculum for each phase of the approved training course.
 - (ii) **Procedures manual.** A manual containing procedures, instructions, and guidance for use by personnel of the ATO in the execution of their duties in

meeting the requirements of the certificate.

- (108) **Area control centre.** A unit established to provide ATC service to controlled flights in control areas under its jurisdiction.
- (109) **Area control service.** ATC service for controlled flights in control areas.
- (110) **Area navigation (RNAV).** A method of navigation that permits aircraft operation on any desired flight path within the coverage of ground- or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these.

Note: Area navigation includes PBN as well as other operations that do not meet the definition of PBN.

- (111) **Authorized instructor.** A person who:
 - (i) Holds a valid ground instructor certificate issued under Part 2 of these regulations when conducting ground training;
 - (ii) Holds a current flight instructor certificate issued under Part 2 of these regulations when conducting ground training or flight training; or
 - (iii) Is authorized by the Authority to provide ground training or flight training under Parts 2 and 3 of these regulations.
- (112) **Authority.** The Sint Maarten Civil Aviation Authority (SMCAA), responsible for the oversight of civil aviation in Sint Maarten.
- (113) **Automatic dependent surveillance (ADS).** A surveillance technique in which aircraft automatically provide, via a data link, data derived from on-board navigation and position-fixing systems, including aircraft identification, four-dimensional position, and additional data as appropriate.
- (114) **Automatic dependent surveillance (ADS) agreement.** An ADS reporting plan that establishes the conditions of ADS data reporting (i.e., data required by the ATS or control unit and frequency of ADS reports that shall be agreed to prior to the provision of the ADS services).
- (115) **Automatic dependent surveillance – broadcast (ADS-B).** A means by which aircraft, aerodrome vehicles, and other objects can automatically transmit and/or receive data such as identification, position, and additional data, as appropriate, in a broadcast mode via a data link.
- (116) **Automatic dependent surveillance – contract (ADS-C).** A means by which the terms of an ADS-C agreement will be exchanged between the ground system and the aircraft, via a data link, specifying under what conditions ADS-C reports would be initiated and what data would be contained in the reports.

Note: The abbreviated term “ADS contract” is commonly used to refer to ADS event contract, ADS demand contract, ADS periodic contract, or an emergency mode.

- (117) **Automatic dependent surveillance – contract (ADS-C) agreement.** A reporting plan that establishes the conditions of ADS-C data reporting (i.e. data required by the ATS unit and frequency of ADS-C reports that shall be agreed to prior to using ADS-C in the provision of ATS).

Note: The terms of the agreement will be exchanged between the ground system and the aircraft by means of a contract or a series of contracts.

- (118) **Automatic deployable flight recorder (ADFR).** A combination flight recorder that is

installed on the aircraft and is capable of automatically deploying from the aircraft.

Note: This could include the cockpit voice recorder or flight data recorder.

- (119) **Aviation medical assessor.** A physician, appointed by the Licensing Authority, who is qualified and experienced in the practice of aviation medicine and competent in evaluating and assessing medical conditions of flight safety significance.
- (120) **Aviation medical examiner.** A physician with training in aviation medicine and practical knowledge and experience of the aviation environment who is designated by the Authority to conduct medical examinations of fitness of applicants for licenses or ratings for which medical requirements are prescribed.
- (121) **Aviation security.** The safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.
- (122) **Balloon.** A non-power-driven lighter-than-air aircraft.
- (123) **Banner.** An advertising medium supported by a temporary framework attached externally to the aircraft and towed behind the aircraft.
- (124) **Basic aircraft.** An aircraft which has the minimum equipment required to perform the intended take-off, approach, or landing operation.
- (125) **Behavior detection.** Within an aviation security environment, the application of techniques involving the recognition of behavioral characteristics, including physiological or gestural signs indicative of anomalous behavior, to identify persons who may pose a threat to civil aviation.
- (126) **Cabin crew member.** A crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the PIC of the aircraft, but who shall not act as a flight crew member.
Note: Cabin crew may or may not be licensed by the Authority.
- (127) **Calendar day.** The period of elapsed time, using coordinated universal time or local time, that begins at midnight and ends 24 hours later at the next midnight.
- (128) **Calendar month.** A period of a month beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered month (as 1 January through 31 January in the Gregorian calendar).
- (129) **Calendar year.** A period of a year beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered year (as 1 January through 31 December in the Gregorian calendar).
- (130) **Calibration.** A set of operations, performed in accordance with a definite documented procedure that compares the measurement performed by a measurement device or working standard with a recognized bureau of standards for the purpose of detecting and reporting or eliminating adjustment errors in the measurement device, working standard, or aeronautical product tested.
- (131) **Cargo.** Any property carried on an aircraft other than mail, stores, and accompanied or mishandled baggage.
- (132) **Cargo aircraft.** Any aircraft carrying goods or property but not passengers. In this context, the following are not considered to be passengers:
 - (i) A crew member

- (ii) An operator's employee permitted by, and carried in accordance with, the instructions contained in the OM
 - (iii) An authorized representative of an Authority
 - (iv) A person with duties with respect to a particular shipment on board
- (133) **Causes.** As relating to an aircraft accident or incident, the actions, omissions, events, or conditions, or a combination thereof, that led to the accident or incident.
- (134) **Ceiling.** The height above the ground or water of the base of the lowest layer of cloud below 6 000 m (20 000 ft) covering more than half the sky.
- (135) **Certificate of airworthiness.** A certificate issued by the State of Registry when an aircraft has been deemed fit and safe for flight and in conformity with the type design approved by the State of Design and maintained in accordance with the continuing airworthiness requirements of the State of Registry.
- Note: The definition of certificate of airworthiness was developed by using primarily the definition from Transport Canada with additional ICAO material.*
- (136) **Certify as airworthy.** The act of completing an approval for return to service, by a properly authorized person after the maintenance, overhaul, modification, repair, or inspection of an aircraft or aeronautical product, by which the aircraft or aeronautical part is cleared for use in flight as meeting the requirements of the certificate of airworthiness of Sint Maarten.
- (137) **Certifying staff.** Those personnel who are authorized by the AMO in accordance with a procedure acceptable to the Authority to approve aircraft or aeronautical products for return to service.
- (138) **Changeover point.** The point at which an aircraft navigating on an ATC or ATS route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft.
- Note: Changeover points are established to provide the optimum balance with respect to signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment.*
- (139) **Check person.** A qualified person who is authorized by the Authority to conduct an evaluation of either an AOC holder's flight crew (pilots, flight engineers, or flight navigators), cabin crew, or flight operations officer. Terms that may be used to describe this person, depending upon responsibilities, are check pilot, check flight engineer, check flight navigator, check cabin crew member, and check flight operations officer. Check persons for flight crew may be further authorized to perform checks in either an aircraft or simulator, as defined below.
- (i) **Check person (aircraft).** A person who is qualified, and authorized by the Authority, to conduct a flight crew evaluation in an aircraft or in an FSTD for a particular type aircraft, for a particular AOC holder.
 - (ii) **Check person (simulator).** A person who is qualified, and authorized by the Authority, to conduct a flight crew evaluation, but only in an FSTD for a particular type aircraft, for a particular AOC holder.
- (140) **Citizen of Sint Maarten.** Refers to one of the following:

- (i) An individual who is a citizen of Sint Maarten;
 - (ii) A partnership of which each member is a citizen of Sint Maarten; or
 - (iii) A corporation or association created or organized and authorized under the laws of Sint Maarten.
- (141) **Civil aircraft.** Any aircraft other than a State or public aircraft.
- (142) **Civil aviation.** The operation of any civil aircraft for the purpose of general aviation operations, aerial work, or commercial air transport operations.
- (143) **Clearance limit.** The point to which an aircraft is granted an ATC clearance.
- (144) **Cockpit audio recording system (CARS).** A device that uses a combination of microphones and other audio and digital inputs to collect and record the aural environment of the flight deck and communications to, from, and between the pilots. Source: Current edition of EUROCAE ED-155, *Minimum Operational Performance Specification for Lightweight Flight Recording Systems*, paragraph 1-1.5.1.
- (145) **Combined vision system (CVS).** A system to display images from a combination of an EVS and an SVS.
- (146) **Command and control (C2) link.** As of 26 November 2026, the data link between the RPA and the RPS for the purposes of managing the flight.
- (147) **Command and control link (C2 Link) communication service provider (C2CSP).** An entity which provides a portion of, or all of, the C2 Link service for the operation of an RPAS.
- (148) **Command and control link (C2 Link) interruption.** As of 26 November 2026, any temporary situation where the C2 Link is unavailable or discontinuous, introduces too much delay, or has inadequate integrity; but where the lost C2 Link decision time has not been exceeded.
- (149) **Command and control link (C2 Link) specification.** As of 26 November 2026, the minimum performance to be achieved by the C2 Link equipment in conformity with the applicable air worthiness system design requirements.
- (150) **Commercial air transport operation.** An aircraft operation involving the transport of passengers, cargo, or mail for remuneration or hire.
- (151) **Common mark.** A mark assigned by ICAO to the common mark registering authority registering aircraft of an international operating agency on other than a national basis.
- Note: All aircraft of an international operating agency that are registered on other than a national basis will bear the same common mark.*
- (152) **Common mark registering authority.** The authority maintaining the non-national register or, where appropriate, the part thereof, in which aircraft of an international operating agency are registered.
- (153) **Company materials (COMAT).** Operator material carried on an operator's aircraft for the operator's own purposes.
- (154) **Competency.** A dimension of human performance that is used to reliably predict successful performance on the job. A competency is manifested and observed through behaviors that mobilize the relevant knowledge, skills, and attitudes to carry out activities or tasks under specified conditions.

- (155) **Competency-based training and assessment.** Training and assessment that are characterized by a performance orientation, emphasis on standards of performance and their measurement, and the development of training to the specified performance standards.
- Note: This training process is derived from a job and task analysis and focuses on the achievement of well-defined, benchmarked standards of performance as opposed to training programmes that simply focus on the acquisition of prescribed levels of experience.*
- (156) **Competency standard.** A level of performance that is defined as acceptable when assessing whether or not competency has been achieved
- (157) **Complex aeroplane.** An aeroplane that has retractable landing gear, flaps, and a controllable-pitch propeller or, in the case of a seaplane, flaps and a controllable-pitch propeller.
- (158) **Composite.** Structural materials made of substances, including wood, metal, ceramic, plastic, fiber-reinforced materials, graphite, boron, or epoxy, with built-in strengthening agents that may be in the form of filaments, foils, powders, or flakes of a different material.
- (159) **Computer system.** Any electronic or automated system capable of receiving, storing, and processing external data and transmitting and presenting such data in a usable form for the accomplishment of a specific function.
- (160) **Conditions.** Anything that may qualify a specific environment in which performance will be demonstrated.
- (161) **Configuration (as applied to the aeroplane).** A particular combination of the positions of the moveable elements, such as wing flaps and landing gear, etc., that affects the aerodynamic characteristics of the aeroplane.
- (162) **Configuration deviation list (CDL).** A list, established by the organization responsible for the type design with the approval of the State of Design, that identifies any external parts of an aircraft type that may be missing at the commencement of a flight and that contains, where necessary, any information on associated operating limitations and performance correction.
- (163) **Congested area.** A city, town, or settlement or an open-air assembly of people.
- (164) **Congested hostile environment.** A hostile environment within a congested area.
- (165) **Consignment.** One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot, and moving to one consignee at one destination address.
- (166) **Contaminated runway.** A runway is contaminated when a significant portion of the runway surface area (whether in isolated areas or not) within the length and width being used is covered by one or more of the substances listed in the runway surface condition descriptors.
- (167) **Continuing airworthiness.** Until 25 November 2026, the set of processes by which an aircraft or aeronautical product complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life.
- (168) **Continuing airworthiness maintenance programme.** A maintenance programme approved by the State of Registry.
- (169) **Continuing airworthiness records.** Records that are related to the continuing

airworthiness status of an aircraft or aeronautical product.

- (170) **Continuous descent final approach (CDFA).** A technique, consistent with stabilized approach procedures, for flying the FAS of a an NPA procedure as a continuous descent, without level-off, from an altitude/height at or above the final approach fix altitude/height to a point approximately 15 m (50 ft) above the landing runway threshold or the point where the flare manoeuvre begins for the type of aircraft flown; for the FAS of an NPA procedure followed by a circling approach, the CDFA technique applies until circling approach minima (circling OCA/H) or visual flight manoeuvre altitude/height are reached
- (171) **Contracting State.** A State that is a signatory to the Convention on International Civil Aviation (Chicago Convention).
- (172) **Control area.** A controlled airspace extending upward from a specified limit above the earth.
- (173) **Control zone.** A controlled airspace extending upward from the surface of the earth to a specified upper limit.
- (174) **Controlled aerodrome.** An aerodrome at which ATC service is provided to aerodrome traffic.
- (175) **Controlled airspace.** An airspace of defined dimensions within which ATC service is provided in accordance with the airspace classification.
Note: Controlled airspace is a generic term that covers ATC or ATS airspace Classes A, B, C, D, and E as described in ICAO Annex 11: 2.6.
- (176) **Controlled flight.** Any flight that is subject to an ATC clearance.
- (177) **Controlled flight into terrain (CFIT).** Occurs when an airworthy aircraft is flown, under the control of a qualified pilot, into terrain, water, or an obstacle with inadequate awareness on the part of the pilot of the impending collision.
- (178) **Controller-pilot data link communications (CPDLC).** A means of communication between controller and pilot, using data link for ATC communications.
- (179) **Convention on International Civil Aviation (Chicago Convention).** The Convention on International Civil Aviation concluded in Chicago, Illinois, of the United States of America, in 1944, in effect, 1947. The Articles of the Chicago Convention govern the actions of the Contracting States in matters of international civil aviation safety directly and through the Annexes to the Chicago Convention, which set forth the ICAO SARPs.
- (180) **Conversion.** Conversion is the action taken by Sint Maarten in issuing its own license on the basis of a license issued by another Contracting State for use on aircraft registered in Sint Maarten.
- (181) **Co-pilot (CP).** A licensed pilot serving in any piloting capacity other than as PIC but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction.
- (182) **Corporate aviation.** The non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by (a) professional pilot(s) employed to fly the aircraft.
- (183) **Course.** A programme of instruction to teach knowledge, skills, and/or competencies in a particular area or subject or to maintain existing qualifications.
- (184) **Courseware.** Instructional material developed for each course or curriculum, including

lesson plans and other aids such as computer software programmes, audiovisual programmes, workbooks, and handouts.

- (185) **Credit.** Recognition of alternative means or prior qualifications.
- (186) **Crew member.** A person assigned by an operator to duty on an aircraft during a flight duty period.
- (187) **Crew resource management.** A programme designed to improve the safety of flight operations by optimizing the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and coordination.
- (188) **Critical engine.** The engine whose failure would most adversely affect the performance or handling qualities of an aircraft.
- (189) **Critical phases of flight.** Those portions of operations involving taxiing, take-off and landing, and all flight operations below 3 050 m (10 000 ft) except cruise flight.
- (190) **Critical power unit(s).** A power unit, the failure of which has the most adverse effect on the aircraft characteristics relative to the case under consideration.
Note: On some aircraft there may be more than one equally critical power unit. In that case, the phrase “the critical power unit” means one of those critical power units.
- (191) **Cross-country.** A flight between a point of departure and a point of arrival following a pre-planned route using standard navigation procedures.
- (192) **Cross-country time.** That time a pilot spends in flight in an aircraft, which includes a landing at a point other than the point of departure and, for the purpose of meeting the cross-country time requirements for a PPL (except with a rotorcraft rating), a CPL, or an instrument rating, includes a landing at an aerodrome that shall be a straight-line distance of more than 50 NM from the original point of departure.
- (193) **Cruise climb.** An aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases.
- (194) **Cruise relief pilot.** A flight crew member who is assigned to perform pilot tasks during cruise flight to allow the PIC or CP to obtain planned rest.
- (195) **Cruising level.** A level maintained during a significant portion of a flight.
- (196) **Current flight plan.** The flight plan, including changes, if any, brought about by subsequent clearances.
- (197) **Curriculum.** A set of courses in an area of specialization offered as part of a training programme.
- (198) **Danger area.** An airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times.
- (199) **Dangerous goods.** Articles or substances that are capable of posing a risk to health, safety, property, or the environment and are shown in the list of dangerous goods in the Technical Instructions or are classified according to those instructions.
Note 1: See definition below for Technical Instructions.
Note 2: Dangerous goods are classified in Chapter 3 of ICAO Annex 18, The Safe Transport of Dangerous Goods by Air.
- (200) **Dangerous goods accident.** An occurrence associated with and related to the transport of dangerous goods by air that results in fatal or serious injury to a person or major property or environmental damage.

Note: See definition below for Technical Instructions.

- (201) **Dangerous goods incident.** An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, that results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation, or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods that seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident.

Note: See definition below for Technical Instructions.

- (202) **Dangerous goods transport document.** A document specified by Technical Instructions. It is completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods. The document bears a signed declaration indicating that the dangerous goods are fully and accurately described by their proper shipping names and UN numbers (if assigned) and that they are correctly classified, packed, marked, labelled, and in a proper condition for transport.

Note: See definition below for Technical Instructions.

- (203) **Data link communications.** A form of communication intended for the exchange of messages via a data link.
- (204) **Data link recording system.** A device, controlled directly or indirectly, that records the messages through which the flight path of an aircraft is authorized and that relays those messages over a digital data link rather than by voice communication. Source: Current edition of EUROCAE ED-155, *Minimum Operational Performance Specification for Lightweight Flight Recording Systems*, paragraph 1-1.5.1.
- (205) **Deadhead transportation.** Time spent in transportation on aircraft (at the insistence of the AOC holder) to or from a crew member's home station.
- (206) **Decision altitude (DA) or decision height (DH).** A specified altitude or height in a 3D instrument approach operation at which a missed approach shall be initiated if the required visual reference to continue the approach has not been established.

Note 1: DA is referenced to MSL and DH is referenced to the threshold elevation.

Note 2: The required visual reference means that section of the visual aids or of the approach area that should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position in relation to the desired flight path. In CAT III operations with a DH, the required visual reference is that specified for the particular procedure and operation.

Note 3: For convenience where both expressions are used, they may be written in the form "decision altitude/height" and abbreviated "DA/H."

- (207) **Defined point after take-off (DPATO).** The point, within the take-off and initial climb phase, before which the performance Class 2 helicopter's ability to continue the flight safely, with one engine inoperative, is not ensured and a forced landing may be required.
- (208) **Defined point before landing (DPBL).** The point, within the approach and landing phase, after which the performance Class 2 helicopter's ability to continue the flight safely, with one engine inoperative, is not ensured and a forced landing may be required.
- (209) **Design landing mass.** The maximum mass of the aircraft at which, for structural design purposes, it is assumed that it will be planned to land.

- (210) **Design take-off mass.** The maximum mass at which the aircraft, for structural design purposes, is assumed to be planned to be at the start of the take-off run.
- (211) **Design taxiing mass.** The maximum mass of the aircraft at which structural provision is made for load liable to occur during use of the aircraft on the ground prior to the start of take-off.
- (212) **Designated examiner.** Any person designated by the Authority to act as a representative of the Authority in examining, inspecting, and testing persons for the purposes of issuing licenses, ratings, or certificates.
- (213) **Designated postal operator.** Any governmental or non-governmental entity officially designated by a UPU member country to operate postal services and to fulfil the related obligations arising from the acts of the UPU Convention on its territory.
- (214) **Detect and avoid.** As of 26 November 2026, the capability to see, sense, or detect conflicting traffic or other hazards and take the appropriate action.
- (215) **Directly in charge.** As relating to an AMO in Part 6 of these regulations, an appropriately licensed person(s) having the responsibility for the work of an AMO that performs maintenance, overhaul, modification, repair, inspection, or other functions affecting aircraft airworthiness. A person directly in charge does not need to physically observe and direct each worker constantly but must be available for consultation on matters requiring instruction or decision from a higher authority.
- (216) **Director.** The Department Head of Civil Aviation, Shipping and Maritime (SMCAA).
- (217) **Discrete source damage.** Structural damage of the aeroplane that is likely to result from impact with a bird, uncontained fan blade failure, uncontained engine failure, uncontained high-energy rotating machinery failure, or similar causes.
- (218) **Disruptive passenger.** A passenger who fails to respect the rules of conduct at an aerodrome or on board an aircraft or to follow the instructions of aerodrome personnel or crew members and thereby disturbs the good order and discipline at the aerodrome or on board the aircraft.
- (219) **Dry lease.** The lease of an aircraft without the crew.
- (220) **Dry runway.** A runway is considered dry if its surface is free of visible moisture and not contaminated within the area intended to be used.
- (221) **Dual instruction time.** Flight time during which a person is receiving flight instruction from a properly authorized pilot on board the aircraft.
- (222) **Dual instruction time.** Flight time during which a person is receiving flight instruction from a properly authorized pilot on board the aircraft or from a properly authorized remote pilot using the RPS during an RPA flight.
- (223) **Duty.** Any task that flight or cabin crew members are required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, and standby when it is likely to induce fatigue.
- (224) **Duty period.** As related to an air operator, a period that starts when a flight or cabin crew member is required by an operator to report for or to commence a duty and ends when that person is free from all duties.
- (225) **Duty time.** The total time from the moment a person identified in these regulations begins, immediately after a rest period, any work on behalf of the operator until that person is free from all restraint associated with that work.

- (226) **Economic poison.** Any substance or mixture of substances intended for:
- (i) Preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living human beings or other animals, that Sint Maarten may declare to be a pest; or
 - (ii) Use as a plant regulator, defoliant, or desiccant.
- (227) **Effective length of the runway.** The distance for landing from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centre line of the runway to the far end.
- (228) **Electronic flight bag (EFB).** An electronic information system, consisting of equipment and applications for flight crew, that allows for the storing, updating, displaying, and processing of EFB functions to support flight operations or duties.
- (229) **Elevated heliport.** A heliport located on a raised structure on land.
- (230) **Emergency locator transmitter (ELT).** A generic term describing equipment that broadcasts distinctive signals on designated frequencies and, depending on application, may be automatically activated by impact or manually activated. An ELT may be any of the following:
- (i) **Automatic fixed ELT (ELT(AF)).** An automatically activated ELT that is permanently attached to an aircraft.
 - (ii) **Automatic portable ELT (ELT(AP)).** An automatically activated ELT that is rigidly attached to an aircraft but readily removable from the aircraft.
 - (iii) **Automatic deployable ELT (ELT(AD)).** An ELT that is rigidly attached to an aircraft and automatically deployed and activated by impact and, in some cases, also by hydrostatic sensors. Manual deployment is also provided.
 - (iv) **Survival ELT (ELT(S)).** An ELT that is removable from an aircraft, stowed to facilitate its ready use in an emergency, and manually activated by survivors.
- (231) **Engine.** A unit used or intended to be used for aircraft propulsion. It consists of at least those components and equipment necessary for functioning and control, but it excludes the propeller/rotors (if applicable).
- (232) **Enhanced ground proximity warning system (EGPWS).** A forward-looking warning system that uses the terrain database for terrain avoidance.
- (233) **Enhanced vision system (EVS).** A system to display electronic real-time images of the external scene achieved through the use of image sensors.
- Note: EVS does not include night vision imaging systems.*
- (234) **En-route phase.** That part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase.
- Note: Where adequate obstacle clearance cannot be guaranteed visually, flights must be planned to ensure that obstacles can be cleared by an appropriate margin. In the event of failure of the critical engine, operators may need to adopt alternative procedures.*
- (235) **Equivalent system of maintenance.** An AOC holder may conduct maintenance activities through an arrangement with an AMO or may conduct its own maintenance, overhaul, modifications, repairs, or inspections, as long as the AOC holder's maintenance system is approved by the Authority and is equivalent to that of an AMO, except that the approval

for return to service of an aircraft/aeronautical product shall be made by an appropriately licensed AMT or ARS in accordance with Part 2 of these regulations, as appropriate.

- (236) **Error.** As relates to the flight crew, an action or inaction by the flight crew that leads to deviations from organizational or flight crew intentions or expectations.
- (237) **Error management.** The process of detecting errors and responding to them with countermeasures that reduce or eliminate the consequences of errors and mitigate the probability of further errors or undesired states.
- (238) **Estimated off-block time.** The estimated time at which the aircraft will commence movement associated with departure.
- (239) **Estimated time of arrival.** For IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an IAP will be commenced or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome. For VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome.
- (240) **Examiner.** Any person designated by the Authority to act as a representative of the Authority in examining, inspecting, and testing persons and aircraft for the purpose of issuing licenses, ratings, and certificates.
- (241) **Exception.** As relating to dangerous goods in Part 9 of these regulations, a provision in ICAO Annex 18 that excludes a specific item of dangerous goods from the Standards normally applicable to that item.
- (242) **Expected approach time.** The time at which ATC expects that an arriving aircraft, following a delay, will leave the holding point to complete its approach for a landing.
Note: The actual time of leaving the holding point will depend upon the approach clearance.
- (243) **Extended diversion time operations (EDTO).** Any operation by an aeroplane with two or more turbine engines where the diversion time to an en route alternate aerodrome is greater than the threshold time established by the State of the Operator.
- (244) **Extended diversion time operations (EDTO) critical fuel.** The fuel quantity necessary to fly to an en route alternate aerodrome considering, at the most critical point on the route, the most limiting system failure.
- (245) **Extended diversion time operations (EDTO) significant system.** An aeroplane system whose failure or degradation could adversely affect the safety particular to an EDTO flight or whose continued functioning is specifically important to the safe flight and landing of an aeroplane during an EDTO diversion.
- (246) **Extended flight over water.** A flight operated over water at a distance of more than 93km (50 NM) or 30 minutes at normal cruising speed, whichever is the lesser, away from land suitable for making an emergency landing.
- (247) **Extended overwater operation.** With respect to aircraft other than helicopters, an operation over water at a horizontal distance of more than 50 NM from the nearest shoreline; and to helicopters, an operation over water at a horizontal distance of more than 50 NM from the nearest shoreline and more than 50 NM from an offshore heliport structure.
- (248) **Facility.** A physical plant, including land, buildings, and equipment, that provides a means for the conduct of the activities approved by the Authority for an approved or certificated

entity.

- (249) **Factor of safety.** A design factor used to provide for the possibility of loads greater than those assumed and for uncertainties in design and fabrication.
- (250) **Fatal injury.** As relates to an aircraft accident, any injury that results in death within 30 days of the accident.
- (251) **Fatigue.** A physiological state of reduced mental or physical performance capability resulting from sleep loss, extended wakefulness, circadian phase, and/or workload (mental and/or physical activity) that can impair a person's alertness and ability to perform safety-related operational duties.
- (252) **Fatigue risk management system (FRMS).** A data-driven means of continuously monitoring and managing fatigue-related safety risks, based upon scientific principles and knowledge as well as operational experience, that aims to ensure relevant personnel are performing at adequate levels of alertness.
- (253) **Filed flight plan.** The flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes.
- (254) **Final approach and take-off area (FATO).** A defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced. Where the FATO is to be used by performance Class 1 helicopters, the defined area includes the rejected take-off area available.
- (255) **Final approach segment (FAS).** The segment of an IAP in which alignment and descent for landing are accomplished.
- (256) **Finding.** A conclusion by audit personnel that demonstrates nonconformity with a specific standard.
- (257) **Fireproof.** The capability to withstand the application of heat by a flame for a period of 15 minutes.

Note: The characteristics of an acceptable flame can be found in ISO 2685, Aircraft – Environmental test procedure for airborne equipment – Resistance to fire in designated fire zones.
- (258) **Fireproof material.** A material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose.
- (259) **Fire resistant.** The capability to withstand the application of heat by a flame for a period of 5 minutes.

Note: The characteristics of an acceptable flame can be found in ISO 2685, Aircraft – Environmental test procedure for airborne equipment – Resistance to fire in designated fire zones.
- (260) **Flight crew member.** A licensed crew member charged with duties essential to the operation of an aircraft during flight duty period.
- (261) **Flight data analysis.** A process of analyzing recorded flight data in order to improve the safety of flight operations.
- (262) **Flight duty period.** A period that commences when a flight or cabin crew member is required to report for duty that includes a flight or a series of flights and that finishes when the aircraft finally comes to rest and the engines are shut down at the end of the last flight on which that individual is a crew member.

- (263) **Flight information centre.** A unit established to provide flight information service and alerting service.
- (264) **Flight information region.** An airspace of defined dimensions within which flight information service and alerting service are provided.
- (265) **Flight information service.** A service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.
- (266) **Flight level.** A surface of constant atmospheric pressure that is related to a specific pressure datum, 1 013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals.
- (267) **Flight manual.** A manual associated with the certificate of airworthiness that contains limitations within which the aircraft is to be considered airworthy and instructions and information necessary to the flight crew members for the safe operation of the aircraft.
- (268) **Flight operations officer/flight dispatcher.** A person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, who is suitably qualified in accordance with ICAO Annex 1 and who supports, briefs, and/or assists the PIC in the safe conduct of the flight.
- (269) **Flight plan.** Specified information provided to ATS units, relative to an intended flight or portion of a flight of an aircraft.
- (270) **Flight recorder.** Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.
- (271) **Flight(s).** The period from take-off to landing.
- (272) **Flight safety documents system.** A set of interrelated documentation established by the operator, compiling and organizing information necessary for flight and ground operations and comprising, as a minimum, the OM and the operator's MCM.
- (273) **Flight simulation training device (FSTD).** Any one of the following three types of apparatus in which flight conditions are simulated on the ground:
- (i) **Flight simulator.** Provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc., aircraft systems control functions; the normal environment of flight crew members; and the performance and flight characteristics of that type of aircraft are realistically simulated.
 - (ii) **Flight procedures trainer.** Provides a realistic flight deck environment and simulates instrument responses; simple control functions of mechanical, electrical, electronic, etc., aircraft systems; and the performance and flight characteristics of aircraft of a particular class.
 - (iii) **Basic instrument flight trainer.** Is equipped with appropriate instruments and simulates the flight deck environment of an aircraft in flight in instrument flight conditions.
- (274) **Flight simulation training device (FSTD).** Any one of the following three types of apparatus in which flight conditions are simulated on the ground:
- (i) **Flight simulator.** Provides an accurate representation of the flight deck of a particular aircraft type or an accurate representation of the RPAS to the extent that the mechanical, electrical, electronic, etc., aircraft systems control functions; the normal environment of flight crew members; and the performance and flight

characteristics of that type of aircraft are realistically simulated.

- (ii) **Flight procedures trainer.** Provides a realistic flight deck environment or realistic RPAS environment and simulates instrument responses; simple control functions of mechanical, electrical, electronic, etc., aircraft systems; and the performance and flight characteristics of aircraft of a particular class.
- (iii) **Basic instrument flight trainer.** Is equipped with appropriate instruments and simulates the flight deck environment of an aircraft in flight or the RPAS environment in instrument flight conditions.

(275) **Flight simulator.** See flight simulation training device (FSTD).

(276) **Flight status.** An indication of whether or not a given aircraft requires special handling by ATS units.

(277) **Flight time.** The period of time that an aircraft moves under its own power for the purpose of flight, ending when the aircraft comes to rest after it is parked, with engine(s) shut down, if applicable.

Note: Flight time, as defined here, is synonymous with the terms “block-to-block” time or “chock-to-chock” time in general usage and is measured from the time an aircraft moves from the loading point until it stops at the unloading point.

(278) **Flight time – aeroplanes.** The total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight.

(279) **Flight time – glider.** The total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight.

(280) **Flight time – helicopters.** The total time from the moment a helicopter’s rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight and the rotor blades are stopped.

(281) **Flight time – remotely piloted aircraft (RPA) systems.** The total time from the moment a C2 link is established between the RPS and the RPA for the purpose of taking off or from the moment the remote pilot receives control following a handover until the moment the remote pilot completes a handover or the C2 link between the RPS and the RPA is terminated at the end of the flight.

(282) **Flight training.** Training, other than ground training, received from an authorized instructor in flight in an aircraft.

(283) **Flight visibility.** The visibility forward from the flight deck of an aircraft in flight.

(284) **Foreign air operator.** Any air operator, other than a Sint Maarten air operator, that undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within the borders or airspace of Sint Maarten, whether on a scheduled or charter basis.

(285) **Foreign Authority.** The civil aviation authority that issues and oversees the AOC of the foreign operator.

(286) **Freight container.** See unit load device (ULD).

(287) **Freight container in the case of radioactive material transport.** An article of transport equipment designed to facilitate the transport of packaged goods by one or more modes of transport without intermediate reloading. It shall be of a permanent enclosed character,

rigid and strong enough for repeated use, and shall be fitted with devices facilitating its handling, particularly in transfer between aircraft and from one mode of transport to another. A small freight container is one that has either an overall outer dimension less than 1.5 m or an internal volume of not more than 3 m³. Any other freight container is considered to be a large freight container.

- (288) **General aviation operation.** An aircraft operation other than a commercial air transport operation or an aerial work operation.
- (289) **Glider.** A non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces that remain fixed under given conditions of flight.
- (290) **Ground handling.** Services necessary for an aircraft's arrival at, and departure from, an aerodrome, other than ATS.
- (291) **Ground proximity warning system (GPWS).** A warning system that uses radar altimeters to alert the pilots of hazardous flight conditions.
- (292) **Ground visibility.** The visibility at an aerodrome, as reported by an accredited observer or by automatic systems.
- (293) **Gyroplane.** A heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors that rotate freely on substantially vertical axes.
- (294) **Handling agent.** An agency that performs on behalf of the operator some or all of the latter's functions, including receiving, loading, unloading, transferring, or other processing of passengers or cargo.
- (295) **Hazard.** A condition or an object with the potential to cause injuries to personnel, damage to equipment or structures, loss of material, or reduction of ability to perform a prescribed function.
- (296) **Heading.** The direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from north (true, magnetic, compass, or grid).
- (297) **Head-up display (HUD).** A display system that presents flight information into the pilot's forward external field of view.
- (298) **Heavier-than-air aircraft.** Any aircraft deriving its lift in flight chiefly from aerodynamic forces.
- (299) **Height.** The vertical distance of a level, a point, or an object considered a point, measured from a specified datum.
- (300) **Helicopter.** A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.
 - (i) Categories:
 - (A) **Category A.** A multi-engine helicopter designed with engine and system isolation features specified in ICAO Annex 8, Part IVB, and capable of operations using take-off and landing data scheduled under a critical engine failure concept that assures adequate designated surface area and adequate performance capability for continued safe flight or safe rejected take-off.
 - (B) **Category B.** A single-engine or multi-engine helicopter that does not meet Category A standards. Category B helicopters have no guaranteed capability to continue safe flight in the event of an engine

failure, and a forced landing is assumed.

- (ii) Performance classes:
 - (C) **Class 1 helicopter.** A helicopter with performance such that, in case of critical engine failure, it is able to land within the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs.
 - (D) **Class 2 helicopter.** A helicopter with performance such that, in case of critical engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required.
 - (E) **Class 3 helicopter.** A helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed.

Note 1: See also the definitions for operations in performance Class 1, Class 2, and Class 3 below.

Note 2: Helicopters operating as Class 1 or 2 will be certified as Category A. Helicopters operating as Class 3 will be certified as either Category A or B (or equivalent).

Note 3: Some States use the term “rotorcraft” as an alternative to “helicopter.”

- (301) **Helideck.** A heliport located on a floating or fixed offshore structure.
- (302) **Heliport.** An aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters.
- (303) **Heliport operating minima.** The limits of usability of a heliport for:
 - (i) Take-off, expressed in terms of RVR and/or visibility and, if necessary, cloud conditions;
 - (ii) Landing in 2D instrument approach operations, expressed in terms of visibility and/or RVR, MDA/H, and if necessary, cloud conditions; and
 - (iii) Landing in 3D instrument approach operations, expressed in terms of visibility and/or RVR and DA/H as appropriate to the type and/or category of the operation.
- (304) **High-risk cargo or mail.** Cargo or mail which is deemed to pose a threat to civil aviation as a result of specific intelligence; or shows anomalies or signs of tampering which give rise to suspicion
- (305) **High speed aural warning.** A speed warning that is required for turbine-engine aeroplanes and aeroplanes with a Vmo/Mmo greater than 0.80 V_{df}/M_{df} or V_d/M_d.
- (306) **Holdover time.** The estimated time de-icing or anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft. Holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness.
- (307) **Hostile environment.** An environment in which:
 - (i) A safe forced landing cannot be accomplished because the surface and surrounding environment are inadequate;

- (ii) The helicopter occupants cannot be adequately protected from the elements;
 - (iii) Search and rescue response/capability is not provided consistent with anticipated exposure; or
 - (iv) There is an unacceptable risk of endangering persons or property on the ground.
- (308) **Housing.** As relating to AMOs that are certificated in accordance with Part 6 of these regulations, buildings, hangars, and other structures to accommodate the necessary equipment and materials of a maintenance organization and to:
- (i) Provide working space for the performance of maintenance, overhaul, modification, repair, and inspection for which the maintenance organization is approved and rated;
 - (ii) Provide structures for the proper protection of aircraft and aeronautical products during disassembly, cleaning, inspection, repair, modification, assembly, and testing; and
 - (iii) Provide for the proper storage, segregation, and protection of materials, parts, and supplies.
- (309) **Human factors principles.** Principles that apply to aeronautical design, certification, training, operations, and maintenance and that seek safe interface between the human and other system components by proper consideration to human performance.
- (310) **Human performance.** Human capabilities and limitations that have an impact on the safety and efficiency of aeronautical operations.
- (311) **ICAO.** Where used in these regulations, an abbreviation for the International Civil Aviation Organization.
- (312) **ICAO competency framework.** Developed by ICAO, it is a selected group of competencies for a given aviation discipline. Each competency has an associated description and observable behaviors
- (313) **IFR.** The symbol used to designate the instrument flight rules.
- (314) **IFR flight.** A flight conducted in accordance with the instrument flight rules.
- (315) **IMC.** The symbol used to designate instrument meteorological conditions.
- (316) **Incident.** An occurrence, other than an accident, associated with the operation of an aircraft, that affects or could affect the safety of operations.
- Note: The types of incidents that are of interest for safety-related studies include the incidents listed in ICAO Annex 13, Attachment C.*
- (317) **Includes.** A rule of construction defined in paragraph 1.1.1.1(a)(5) of this part as “includes but is not limited to.”
- (318) **Incompatible.** Describing dangerous goods that, if mixed, would be liable to cause a dangerous evolution of heat or gas or produce a corrosive substance.
- (319) **Industry codes of practice.** Guidance material developed by an industry body for a particular sector of the aviation industry to comply with the requirements of the ICAO SARPs, other aviation safety requirements, and the best practices deemed appropriate.

Note: Some States accept and reference industry codes of practice in the development of regulations to meet the requirements of ICAO Annex 6, Part II, and ICAO Annex 19, and make available, for the industry codes of practice, their sources and how they may be

obtained.

- (320) **Inspection.** The examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority.
- (321) **Instructions for continuing airworthiness.** A set of descriptive data, maintenance planning, and accomplishment instructions, developed by a design approval holder in accordance with the certification basis for the product, providing operators with the necessary information for the development of their own maintenance programme and accomplishment instructions.
- (322) **Instrument approach categories.**
 - (i) **Category I (CAT I) operation.** A precision instrument approach and landing with a DH not lower than 60 m (200 ft) and with either a visibility not less than 800 m or an RVR not less than 550 m.
 - (ii) **Category II (CAT II) operation.** A precision instrument approach and landing with a DH lower than 60 m (200 ft), but not lower than 30 m (100 ft), and an RVR not less than 300 m.
 - (iii) **Category III (CAT III) operation.** A DH lower than 30 m (100 ft) or no DH and an RVR less than 300 m or no RVR limitations.

Note: Definitions taken from text in ICAO Annex 6, Part I: 4.2.8.3, and ICAO Annex 6, Part III, Section II: 2.2.8.

- (323) **Instrument approach operations.** An approach and landing using instruments for navigation guidance based on an IAP. There are two methods for executing instrument approach operations:
 - (i) A 2D instrument approach operation, using lateral navigation guidance only; and
 - (ii) A 3D instrument approach operation, using both lateral and vertical navigation guidance.

Note: Lateral and vertical navigation guidance refers to the guidance provided either by: (a) a ground-based radio navigation aid; or (b) computer-generated navigation data from ground-based, space-based, self-contained navigation aids or a combination of these.

- (324) **Instrument approach procedure (IAP).** A series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix or, where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply. IAPs are classified as follows:
 - (i) **Non-precision approach (NPA) procedure.** An IAP designed for 2D instrument approach operations Type A.

Note: NPA procedures may be flown using a CDFAs technique. CDFAs with advisory VNAV guidance calculated by on-board equipment are considered 3D instrument approach operations. CDFAs with manual calculation of the required rate of descent are considered 2D instrument approach operations. For more information on CDFAs, refer to ICAO Doc 8168, PANS-OPS, Volume I, Part II, Section 5.

- (ii) **Approach procedure with vertical guidance (APV).** A PBN IAP designed for 3D instrument approach operations Type A.

- (iii) **Precision approach (PA) procedure.** An IAP based on navigation systems (ILS, MLS, GLS, and SBAS CAT I) designed for 3D instrument approach operations Type A or B.

Note: Refer to ICAO Annex 6 for instrument approach operation types.

- (325) **Instrument flight rules (IFR).** The rules that allow properly equipped aircraft to be flown under IMC.

Note: IFR are detailed in ICAO Annex 2, Chapter 5.

- (326) **Instrument flight time.** Time during which a pilot is piloting an aircraft, solely by reference to instruments and without external reference points.

- (327) **Instrument ground time.** Time during which a pilot is practicing, on the ground, simulated instrument flight in an FSTD approved by the Licensing Authority.

- (328) **Instrument landing system (ILS).** A precision runway approach aid based on two radio beams which together provide pilots with both vertical and horizontal guidance during an approach to land.

- (329) **Instrument meteorological conditions (IMC).** Meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions.

- (330) **Instrument time.** Time in which flight deck instruments are used as the sole means for navigation and control, which may be instrument flight time or instrument ground time.

- (331) **Instrument training.** Training that is received from an authorized instructor under actual or simulated IMC.

- (332) **Integrated survival suit.** A survival suit that meets the combined requirements of the survival suit and life jacket.

- (333) **Interchange agreement.** A leasing agreement that permits an air carrier to dry lease and take or relinquish operational control of an aircraft at an aerodrome.

- (334) **International commercial air transport.** The carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries.

- (335) **International operating agency.** An agency of the kind contemplated in Article 77 of the Convention on International Civil Aviation (Chicago Convention).

- (336) **Investigation.** As relates to an aircraft accident or incident, a process conducted for the purpose of accident prevention that includes the gathering and analysis of information; the drawing of conclusions, including the determination of causes; and when appropriate, the making of safety recommendations.

- (337) **Investigator-in-charge.** As relates to an aircraft accident or incident, a person charged, on the basis of that person's qualifications, with the responsibility for the organization, conduct, and control of an investigation.

- (338) **Isolated aerodrome.** A destination aerodrome for which there is no destination alternate aerodrome suitable for a given aeroplane type.

- (339) **Journey log.** A form signed by the PIC of each flight that records the aeroplane's registration, crew member names and duty assignments, the type of flight, and the date, place, and time of arrival and departure.

- (340) **Knowledge test.** A test on the aeronautical knowledge areas required for an airman

license or rating that can be administered in written form or by a computer.

- (341) **Land distance available (LDA).** The length of runway that is declared available and suitable for the ground run of an aeroplane landing.
- (342) **Landing area.** That part of a movement area intended for the landing or take-off of aircraft.
- (343) **Landing decision point (LDP).** The point used in determining the Class 1 helicopter's landing performance from which, an engine failure having been recognized at this point, the landing may be safely continued or a balked landing initiated.
- (344) **Landing surface.** That part of the surface of an aerodrome that the aerodrome authority has declared available for the normal ground or water run of aircraft landing in a particular direction.
- (345) **Large aeroplane.** An aeroplane having a maximum certificated take-off mass of over 5 700 kg (12 500 lbs.).
- (346) **Level.** A generic term relating to the vertical position of an aircraft in flight and meaning, variously, height, altitude, or flight level.
- (347) **Licensing Authority.** The Minister of Tourism, Economic Affairs, Transport and Telecommunication (as issued the responsibility per mandate to the Director of the SMCAA to act on its behalf);

Note: In these regulations, the Licensing Authority is deemed to have been given the following responsibilities by the Contracting State:

- *Assessment of an applicant's qualifications to hold a license or rating;*
- *Issue and endorsement of approvals, licenses and ratings;*
- *Designation and Authorization of approved persons;*
- *Approval of training courses;*
- *Approval of the use of FSTDs and Authorization for their use in gaining the experience or demonstrating the skill required for the issue of a license or rating; and*
- *Validation of licenses issued by other Contracting States.*

- (348) **Life-limited part.** Any part for which a mandatory replacement limit is specified in the type design, the instructions for continuing airworthiness, or the AMM.
- (349) **Lighter-than-air aircraft.** Any aircraft supported chiefly by its buoyancy in the air.
- (350) **Likely.** In the context of the medical requirements for licensing in Part 2 of these regulations, likely means a probability of occurring that is unacceptable to the medical assessor.
- (351) **Limit load.** The maximum load assumed to occur in the anticipated operating conditions.
- (352) **Line check.** A check given to a pilot by a check pilot to evaluate the pilot's operational competency during line operating flight time, in an aircraft type the pilot is qualified to fly, over a route and area in which the AOC holder is authorized to operate.
- (353) **Line maintenance.** Any unscheduled maintenance resulting from unforeseen events, or scheduled checks containing servicing and/or inspections that do not require specialized training, equipment, or facilities.

- (354) **Line operating flight time.** Flight time recorded by the PIC or CP while in revenue service for an AOC holder.
- (355) **Load factor.** The ratio of a specified load to the weight of the aircraft, the former being expressed in terms of aerodynamic forces, inertia forces, or ground reactions.
- (356) **Long-range overwater flights.** Routes on which an aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 740 km (400 NM), whichever is the lesser, away from land suitable for making an emergency landing.
- (357) **Lost command and control link (C2 Link) decision time.** As of 26 November 2026, the maximum length of time permitted before declaring a lost C2 Link state during which the C2 Link performance is not sufficient to allow the remote pilot to actively manage the flight in a safe and timely manner appropriate to the airspace and operational conditions.
- (358) **Lost command and control link (C2 Link) state.** As of 26 November 2026, the state of the RPAS in which the C2 Link performance has degraded, as a result of a C2 Link interruption that is longer than the lost C2 Link decision time, to a point where it is not sufficient to allow the remote pilot to actively manage the flight in a safe and timely manner.
- (359) **Low-altitude wind shear warning and guidance system.** A system that will issue a warning of low-altitude wind shear and in some cases provide the pilot with guidance information of the escape manoeuvre.
- (360) **Low-visibility operations (LVO).** Approach operations in RVRs less than 550 m and/or with a DH less than 60 m (200 ft) or take-off operations in RVRs less than 400 m
- (361) **Mach number indicator.** An indicator that shows airspeed as a function of the Mach number.
- (362) **Maintenance.** Until 25 November 2026, the performance of tasks on an aircraft, engine, propeller, or associated part required to ensure the continuing airworthiness of an aircraft, engine, propeller, or associated part, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair.
- (363) **Maintenance Control Manual (MCM).** A document that describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner.
- (364) **Maintenance organization's procedures manual.** A document endorsed by the head of the maintenance organization that details the maintenance organization's structure and management responsibilities, scope of work, description of facilities, maintenance procedures, and quality assurance programme or equivalent system of inspections.
- (365) **Maintenance programme.** A document that describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies.
- (366) **Maintenance records.** Records that set out the details of the maintenance carried out on an aircraft or aeronautical product.
- (367) **Maintenance release.** A document that contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner in accordance with appropriate airworthiness requirements.

- (368) **Major modification.** With respect to an aeronautical product for which a TC has been issued, a change in the type design that has an appreciable effect, or other than a negligible effect, on the mass and balance limits, structural strength, powerplant operation, flight characteristics, reliability, operational characteristics, or other characteristics or qualities affecting the airworthiness or environmental characteristics of an aeronautical product.
- (369) **Major repair.** A repair that (1) if improperly done might appreciably affect mass, balance, structural strength, performance, powerplant, operations, flight characteristics, or other qualities affecting airworthiness or (2) is not done according to accepted practices or cannot be done by elementary operations.
- (370) **Manoeuvring area.** That part of an aerodrome to be used for the take-off, landing, and taxiing of aircraft, excluding ramps.
- (371) **Master minimum equipment list (MMEL).** A list established for a particular aircraft type by the organization responsible for the type design with the approval of the State of Design containing items, one or more of which is permitted to be unserviceable at the commencement of a flight. The MMEL may be associated with special operating conditions, limitations, or procedures. The MMEL provides the basis for development, review, and approval by the Authority of an individual operator's MEL.
- (372) **Materially modified aircraft.** Aircraft having powerplants installed other than those for which it is certified or modifications to the aircraft or its components that materially affect flight characteristics.
- (373) **Maximum certificated take-off mass.** The maximum permissible take-off mass of the aircraft according to the certificate of airworthiness, the flight manual, or other official document.
- (374) **Maximum diversion time.** Maximum allowable range, expressed in time, from a point on a route to an en route alternate aerodrome.
- (375) **Maximum certificated take-off mass.** The maximum permissible take-off mass of the aircraft according to the certificate of airworthiness, the flight manual, or other official document.
- (376) **May.** A rule of construction in paragraph 1.1.1.1(a)(3) of this part that indicates that discretion can be used when performing an act described in a regulation.
- (377) **Medical assessment.** The evidence issued by a Contracting State that the license holder meets specific requirements of medical fitness.
- (378) **Medical certificate.** A document issued by the Authority as acceptable evidence of physical fitness as required for certain personnel license holders.
- (379) **Meteorological information.** A meteorological report, analysis, forecast, and any other statement relating to existing or expected meteorological conditions.
- (380) **Minimum descent altitude (MDA) or minimum descent height (MDH).** A specified altitude or height in a 2D instrument approach operation or circling approach operation below which descent must not be made without the required visual reference.

Note 1: MDA is referenced to MSL and MDH is referenced to the aerodrome elevation or to the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation. An MDH for a circling approach is referenced to the aerodrome elevation.

Note 2: The required visual reference means that section of the visual aids or of the

approach area that should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position in relation to the desired flight path. In the case of a circling approach, the required visual reference is the runway environment.

Note 3: For convenience, when both expressions are used they may be written in the form “minimum descent altitude/height” and abbreviated “MDA/H.”

- (381) **Minimum equipment list (MEL).** A list approved by the Authority that provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type.
- (382) **Minister.** The Minister of Tourism, Economic Affairs, Traffic and Telecommunication.
- (383) **Minor modification.** A modification other than a major modification.
- (384) **Modification.** The alteration of an aircraft/aeronautical product in conformity with an approved standard.
- (385) **Monitoring.** A cognitive process to compare an actual to an expected state.
Note: Monitoring is embedded in the competencies for a given role within an aviation discipline, which serve as countermeasures in the threat and error management model. It requires knowledge, skills, and attitudes to create a mental model and to take appropriate action when deviations are recognized.
- (386) **Movement area.** That part of an aerodrome to be used for take-off, landing, and taxiing of aircraft, consisting of the manoeuvring area and the ramp(s).
- (387) **Navigable airspace.** The airspace above the minimum altitudes of flight prescribed in Part 8 of these regulations; includes airspace needed to ensure safety in the take-off and landing of aircraft.
- (388) **Navigation of aircraft.** A function that includes the piloting of aircraft.
- (389) **Navigation specification.** A set of aircraft and flight crew requirements needed to support PBN operations within a defined airspace. There are two kinds of navigation specifications:
 - (i) **Required navigation performance (RNP) specification.** A navigation specification based on area navigation that includes the requirement for performance monitoring and alerting, designated by the prefix RNP (e.g., RNP 4, RNP APCH).
 - (ii) **Area navigation (RNAV) specification.** A navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV (e.g., RNAV 5, RNAV 1).

Note 1: ICAO Doc 9613, Performance-based Navigation (PBN) Manual, Volume II, contains detailed guidance on navigation specifications.

Note 2: The term RNP, previously defined as “a statement of the navigation performance necessary for operation within a defined airspace,” has been removed from these regulations, as the concept of RNP has been overtaken by the concept of PBN. The term RNP is now solely used in the context of navigation specifications that require performance monitoring and alerting; for example, RNP 4 refers to the aircraft and operating requirements, including a 4 NM lateral performance with on-board performance monitoring and alerting, that are detailed in ICAO Doc 9613.

- (390) **Night.** The hours between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise, as may be prescribed by the appropriate authority.
- Note: Civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6 degrees below the horizon.
- (391) **Nominal command and control link (C2 Link) state.** As of 26 November 2026, the state of the RPAS when the C2 Link performance is sufficient to allow the remote pilot to actively manage the flight of the RPA in a safe and timely manner appropriate to the airspace and operational conditions.
- (392) **Non-congested hostile environment.** A hostile environment outside a congested area.
- (393) **Non-hostile environment.** An environment in which:
- (i) A safe forced landing can be accomplished because the surface and surrounding environment are adequate;
 - (ii) Occupants can be adequately protected from the elements;
 - (iii) Search and rescue response/capability is provided consistent with anticipated exposure; and
 - (iv) The assessed risk of endangering persons or property on the ground is acceptable.
- Note: Those parts of a congested area satisfying the above requirements are considered non-hostile.
- (394) **Non-precision approach (NPA) procedure.** An IAP designed for 2D instrument approach operations Type A.
- (395) **NOTAM.** A notice distributed by means of telecommunication containing information concerning the establishment, condition, or change in any aeronautical facility, service, procedure, or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.
- (396) **Observable behavior (OB).** A single role-related behavior that can be observed and may or may not be measurable
- (397) **Obstacle clearance altitude (OCA) or obstacle clearance height (OCH).** The lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation, as applicable, used in establishing compliance with appropriate obstacle clearance criteria.
- Note 1: OCA is referenced to MSL and OCH is referenced to the threshold elevation or, in the case of NPA procedures, to the aerodrome elevation or the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation. An OCH for a circling approach procedure is referenced to the aerodrome elevation.*
- Note 2: For convenience, when both expressions are used, they may be written in the form "obstacle clearance altitude/height" and abbreviated "OCA/H."*
- (398) **Obstruction clearance plane.** A plane sloping upward from the runway at a slope of 1:20 to the horizontal and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. In the plane view, the centre line of the specified area coincides with the centre line of the runway, beginning at the point where the obstruction clearance plane intersects the centre line of the runway

and proceeding to a point at least 450 m (1 500 ft) from the beginning point. Thereafter, the centre line coincides with the take-off path over the ground for the runway (in the case of take-offs) or with the instrument approach counterpart (for landings), or where the applicable one of these paths has not been established, it proceeds consistent with turns of at least a 1.2-km (4 000-ft) radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. This area extends laterally 60 m (200 ft) on each side of the centre line at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 150 m (500 ft) on each side of the centre line at a point 450 m (1 500 ft) from the intersection of the obstruction clearance plane with the runway; thereafter, it extends laterally 150 m (500 ft) on each side of the centre line.

- (399) **Offshore operations.** Operations that routinely have a substantial proportion of the flight conducted over sea areas to or from offshore locations. Such operations include support of offshore oil, gas, and mineral exploitation and sea-pilot transfer.

- (400) **Operating base.** The location from which operational control is exercised.

Note: An operating base is normally the location where personnel involved in the operation of the aeroplane work and where the records associated with the operation are located. An operating base has a degree of permanency beyond that of a regular point of call.

- (401) **Operation.** An activity or group of activities that are subject to the same or similar hazards and require a set of equipment to be specified, or the achievement and maintenance of a set of pilot competencies, to eliminate or mitigate the risk of such hazards.

Note 1: Such activities could include offshore operations, heli-hoist operations, or emergency medical service.

- (402) **Operational control.** The exercise of authority over the initiation, continuation, diversion, or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.

- (403) **Operational credit.** A credit authorized for operations with an advanced aircraft enabling a lower aerodrome operating minimum than would normally be authorized for a basic aircraft, based upon the performance of advanced aircraft systems utilizing the available infrastructure.

- (404) **Operational flight plan.** The operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned.

- (405) **Operational personnel.** Personnel involved in aviation activities who are in a position to report safety information.

Note: Such personnel include flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, personnel of aircraft design and manufacturing organizations, cabin crews, flight dispatchers, ramp personnel, and ground handling personnel.

- (406) **Operations in performance Class 1.** Helicopter operations with performance such that, in the event of critical engine failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, unless the failure occurs prior to reaching the take-off decision point or after passing the LDP, in which cases the helicopter must be able to land within the rejected take-off or landing area.

- (407) **Operations in performance Class 2.** Helicopter operations with performance such that, in the event of critical engine failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which cases a forced landing may be required.
- (408) **Operations in performance Class 3.** Helicopter operations with performance such that, in the event of an engine failure at any time during the flight, a forced landing will be required.
- (409) **Operations Manual (OM).** A manual containing procedures, instructions, and guidance for use by operational personnel in the execution of their duties.
- (410) **Operations specifications (AOC).** The Authorizations including specific approvals, conditions, and limitations associated with the AOC and subject to the conditions in the OM.
- (411) **Operations specifications (AMO).** A part of the AMO certificate used to administer safety standards and define the terms, conditions, and limitations within which the AMO shall conduct business operations.
- Note: Operations specifications are issued by the Authority and are considered a legal, contractual agreement between the Authority and the AMO.*
- (412) **Operator.** A person, organization, or enterprise engaged in or offering to engage in an aircraft operation. The person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft, and/or the PIC.
- Note: In the context of RPA, an aircraft operation includes the RPAS.*
- (413) **Operator's Maintenance Control Manual (MCM).** A document that describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner.
- (414) **Organization responsible for the type design.** Until 25 November 2026, the organization that holds the TC, or an equivalent document, for an aircraft, engine, or propeller type, issued by a Contracting State.
- (415) **Ornithopter.** A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on aeroplanes to which a flapping motion is imparted.
- (416) **Overhaul.** The restoration of an aircraft/aeronautical product to a condition that will give a reasonable assurance of operation for a specified amount of time using methods, techniques, and practices acceptable to the Authority, including disassembly, cleaning, inspection, repair, reassembly; and testing.
- (417) **Overpack.** An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage.
- (418) **Package.** The complete product of the packing operation, consisting of the packaging and its contents prepared for transport.
- (419) **Packaging.** Receptacles and any other components or materials necessary for the receptacle to perform its containment function.
- (420) **Passenger aircraft.** An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority, or a person accompanying a consignment or other cargo.

- (421) **Passenger exit seats.** Those seats having direct access to an exit, and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit. A passenger seat having “direct access” means a seat from which a passenger can proceed directly to the exit without entering an aisle or passing around an obstruction.
- (422) **Performance-based aerodrome operating minimum (PBAOM).** A lower aerodrome operating minimum, for a given take-off, approach, or landing operation, than is available when using a basic aircraft.
- Note 1: The PBAOM is derived by considering the combined capabilities of the aircraft and available ground facilities.*
- Note 2: The PBAOM is not limited to PBN operations*
- (423) **Performance-based communication (PBC).** Communication based on performance specifications applied to the provision of ATS.
- Note: An RCP specification includes communication performance requirements that are allocated to system components in terms of the communication to be provided and the associated transaction time, continuity, availability, integrity, safety, and functionality needed for the proposed operation in the context of a particular airspace concept.*
- (424) **Performance-based navigation (PBN).** Area navigation based on performance requirements for aircraft operating along an ATS route, on an IAP, or in a designated airspace.
- Note: Performance requirements are expressed in navigation specifications (RNAV specification, RNP specification) in terms of accuracy, integrity, continuity, availability, and functionality needed for the proposed operation in the context of a particular airspace concept.*
- (425) **Performance-based surveillance (PBS).** Surveillance based on performance specifications applied to the provision of ATS.
- Note: An RSP specification includes surveillance performance requirements that are allocated to system components in terms of the surveillance to be provided and the associated data delivery time, continuity, availability, integrity, accuracy of the surveillance data, safety, and functionality needed for the proposed operation in the context of a particular airspace concept.*
- (426) **Performance Class 1 helicopter.** A helicopter with performance such that, in case of engine failure, it is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area.
- (427) **Performance Class 2 helicopter.** A helicopter with performance such that, in case of engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which cases a forced landing may be required.
- (428) **Performance Class 3 helicopter.** A helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed.
- (429) **Performance criteria.** Statements used to assess whether the required levels of performance have been achieved for a competency. A performance criterion consists of an observable behavior, condition(s), and a competency standard.
- (430) **Person.** Any individual, firm, partnership, corporation, company, association, joint stock

association, or body politic, including any trustee, receiver, assignee, or other similar representative of these entities.

- (431) **Pilot flying (PF).** The pilot whose primary task is to control and manage the flight path. The secondary tasks of the PF are to perform non-flight-path-related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members.
- (432) **Pilot-in-command (PIC).** The pilot responsible for the operation and safety of the aircraft during flight time. The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.
- (433) **Pilot-in-command (PIC) under supervision.** A CP performing, under the supervision of the PIC, the duties and functions of a PIC, in accordance with a method of supervision acceptable to the Licensing Authority.
- (434) **Pilot monitoring (PM).** The pilot whose primary task is to monitor the flight path and its management by the PF. The secondary tasks of the PM are to perform non-flight-path-related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members.
- (435) **Pilot time.** That time a person:
 - (i) Serves as a required pilot;
 - (ii) Receives training from an authorized instructor in an aircraft or an approved FSTD; or
 - (iii) Provides training as an authorized instructor in an aircraft or an approved FSTD.
- (436) **Pilot (to).** To manipulate the flight controls of an aircraft during flight time.
- (437) **Point of no return.** The last possible geographic point at which an aircraft can proceed to the destination aerodrome as well as to an available en route alternate aerodrome for a given flight.
- (438) **Policy.** A document containing a position or stance regarding a specific issue.
- (439) **Procedure.** A step-by-step logical progression of actions and decisions to achieve an objective.
- (440) **Process.** A set of interrelated or interacted activities that transforms inputs into outputs.
- (441) **Powered-lift.** A heavier-than-air aircraft capable of vertical take-off, vertical landing, and low-speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on non-rotating aerofoil(s) for lift during horizontal flight.
- (442) **Powerplant.** An engine that is used or intended to be used for propelling aircraft. It includes turbo superchargers, appurtenances, and accessories necessary for its functioning but does not include propellers.
- (443) **Power unit.** A system of one or more engines and ancillary parts that are together necessary to provide thrust, independently of the continued operation of any other power unit(s), but not including short period thrust-producing devices.
- (444) **Practical test.** See Skill test.
- (445) **Precision approach (PA) procedure.** An IAP based on navigation systems (ILS, MLS, GLS, and SBAS CAT I) designed for 3D instrument approach operations Type A or B.

Note: Refer to ICAO Annex 6, Part I: 4.2.8.3, for instrument approach operation types.

- (446) **Pre-flight inspection.** The inspection carried out before flight to ensure that the aircraft is fit for the intended flight.
- (447) **Prescribed.** A rule of construction in paragraph 1.1.1.1(a)(8) of this part that means the Authority has issued written policy or methodology that imposes either a mandatory requirement, if the written policy or methodology states “shall,” or a discretionary requirement, if the written policy or methodology states “may.”
- (448) **Pressure altitude.** An atmospheric pressure expressed in terms of altitude, which corresponds to that pressure in the Standard Atmosphere.
- (449) **Pressurized aircraft.** For airman-licensing purposes, an aircraft that has a service ceiling or maximum operating altitude, whichever is lower, above 25 000 ft MSL.
- (450) **Preventive maintenance.** Simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.
- (451) **Primary standard.** A standard defined and maintained by a State Authority and used to calibrate secondary standards.
- (452) **Problematic use of substances.** The use of one or more psychoactive substances by aviation personnel in a way that:
- (i) Constitutes a direct hazard to the user or endangers the lives, health, or welfare of others; and/or
 - (ii) Causes or worsens an occupational, social, mental, or physical problem or disorder.
- (453) **Proficiency check.** A competency test by a license holder on the areas of operation contained in the skill test for a particular license, certificate, rating, or Authorization that is conducted by an authorized representative of the Authority.
- (454) **Prohibited area.** An airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited.
- (455) **Propeller.** A device for propelling an aircraft that has blades on a powerplant-driven shaft and, when rotated, produces by its action on the air a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer but does not include main and auxiliary rotors or rotating aerofoils of powerplants.
- (456) **Proper shipping name.** The name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging.
- (457) **Psychoactive substances.** Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, excluding coffee and tobacco.
- (458) **Public aircraft.** An aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of Sint Maarten, but not including any government-owned aircraft engaged in operations that meet the definition of commercial air transport operations.
- (459) **Qualification-based training.** Training designed to ensure that graduates demonstrate the necessary minimum skill, knowledge, and experience levels to meet the qualification requirements of the license, rating, or privilege.

- (460) **Quality.** The totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.
- (461) **Quality assurance.** As distinguished from quality control, involves activities in the business, systems, and technical audit areas. A set of predetermined, systematic actions that are required to provide adequate confidence that a product or service satisfies quality requirements.
- (462) **Quality audit.** A systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
- (463) **Quality control.** The regulatory inspection process through which actual performance is compared with standards, such as the maintenance of standards of manufactured aeronautical products, and any difference is acted upon.
- (464) **Quality inspection.** That part of quality management involving quality control. In other words, inspections accomplished to observe events, actions, documents, etc., in order to verify whether established operational procedures and requirements are fulfilled during the accomplishment of the event or action and whether the required standard is achieved. Student stage checks and skill tests are quality inspections, and they are also quality control functions.
- (465) **Quality management.** A management approach focused on the means to achieve product or service quality objectives through the use of its four key components: quality planning, quality control, quality assurance, and quality improvement.
- (466) **Quality manager.** The manager responsible for the monitoring function and for requesting remedial action.
- (467) **Quality Manual.** The document containing the relevant information pertaining to the organization's quality system.
- (468) **Quality of training.** The outcome of the training that meets stated or implied needs within the framework of set standards.
- (469) **Quality system.** The set of policies, processes and procedures required for the planning and execution of safe and efficient air operations. The system integrates the various internal processes and enables the organization to identify, measure, control and improve the effectiveness and safety of its activities.
- (470) **Radiotelephony.** A form of radiocommunication primarily intended for the exchange of information in the form of speech.
- (471) **Ramp.** A defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail, or cargo; fueling; parking; or maintenance.
- (472) **Rated air traffic controller.** An air traffic controller holding a license and valid ratings appropriate to the privileges to be exercised.
- (473) **Rating.** An authorization entered on or associated with a license or certificate and forming part thereof, stating special conditions, privileges, or limitations pertaining to such license or certificate.
- (474) **Reference standard.** A standard that is used to maintain working standards.
- (475) **Reissue of a license, rating, authorization, or certificate.** The administrative action taken after a license, rating, authorization, or certificate has lapsed that reissues the

privileges of the license, rating, authorization, or certificate for a further specified period contingent upon the fulfilment of specified requirements.

- (476) **Remote co-pilot (CP).** A licensed remote pilot serving in any piloting capacity other than as remote PIC but excluding a remote pilot who is in the RPS for the sole purpose of receiving flight instruction.
- (477) **Remote flight crew member.** A licensed flight crew member charged with duties essential to the operation of an RPAS during a flight duty period.
- (478) **Remotely piloted aircraft (RPA).** An unmanned aircraft that is piloted from an RPS.
- (479) **Remotely piloted aircraft system (RPAS).** An RPA, its associated RPSs, the required C2 Link(s), and any other components as specified in the type design.
- (480) **Remote pilot.** A person charged by the operator with duties essential to the operation of an RPA and who manipulates the flight controls, as appropriate, during flight time.
- (481) **Remote pilot-in-command (PIC).** The remote pilot designated by the operator as being in command and charged with the safe conduct of a flight.
- (482) **Remote pilot station (RPS).** The component of the RPAS containing the equipment used to pilot the RPA.
- (483) **Rendering (a certificate of airworthiness) valid.** The action taken by a Contracting State, as an alternative to issuing its own certificate of airworthiness, in accepting a certificate of airworthiness issued by any other Contracting State as the equivalent of its own certificate of airworthiness. Also referred to as validation.
- (484) **Rendering (a license) valid.** The action taken by a Contracting State, as an alternative to issuing its own license, in accepting a license issued by any other Contracting State as the equivalent of its own license. Also referred to as validation.
- (485) **Renewal of license, rating, authorization, or certificate.** The administrative action taken within the period of validity of a license, rating, authorization, or certificate that allows the holder to continue to exercise the privileges of a license, rating, authorization, or certificate for a further specified period contingent upon the fulfilment of specified requirements.
- (486) **Repair.** The restoration of an aircraft, engine, propeller, associated part, , to an airworthy condition in accordance with the appropriate airworthiness requirements, after it has been damaged or subjected to wear.
- (487) **Repetitive flight plan (RPL).** A flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATC or ATS units.
- (488) **Reporting point.** A specified geographical location in relation to which the position of an aircraft can be reported.
- (489) **Required communication performance (RCP) specification.** A set of requirements for ATS provision and associated ground equipment, aircraft capability, and operations needed to support PBC.
- (490) **Required inspection.** As used in Part 5 of these regulations, maintenance items and/or modifications that shall be inspected by a person other than the person performing the work and shall include at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not properly performed or if improper parts or materials are used.

- (491) **Required surveillance performance (RSP) specification.** A set of requirements for ATS provision and associated ground equipment, aircraft capability, and operations needed to support PBS.
- (492) **Rest period.** A continuous and defined period of time, subsequent to and/or prior to duty, during which flight or cabin crew members are free of all duties.
- (493) **Restricted area.** An airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions.
- (494) **Risk mitigation.** The process of incorporating defenses or preventive controls to lower the severity and/or likelihood of a hazard's projected consequence.
- (495) **Rotorcraft.** A power-driven, heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors.
- (496) **Rotorcraft Flight Manual (RFM).** A manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy and instructions and information necessary to the flight crew members for the safe operation of the rotorcraft.
- (497) **Rotorcraft load combinations.** Configurations for external loads carried by rotorcraft:
- (i) **Class A.** External load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo.
 - (ii) **Class B.** External load suspended from the rotorcraft, can be jettisoned, and is transported free of land or water during rotorcraft operations.
 - (iii) **Class C.** External load suspended from the rotorcraft, can be jettisoned, but remains in contact with land or water during rotorcraft operation.
 - (iv) **Class D.** External load suspended from the rotorcraft for the carriage of persons.
- (498) **Route sector.** A flight comprising take-off, departure, cruise of not less than 15 minutes, arrival, approach, and landing phases.
- (499) **RPA observer.** A trained and competent person designated by the operator, who, by visual observation of the RPA, assists the remote pilot in the safe conduct of the flight.
- (500) **Route stage.** A route or portion of a route flown without an intermediate landing.
- (501) **Runway.** A defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.
- (502) **Runway-holding position.** A designated position intended to protect a runway, an obstacle limitation surface, or an ILS/MLS critical/sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower.
- (503) **Runway visual range (RVR).** The range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line.
- (504) **Safe forced landing.** Unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface.
- (505) **Safety.** The state in which risks associated with aviation activities, related to or in direct support of the operations of aircraft, are reduced and controlled to an acceptable level.

- (506) **Safety data.** A defined set of facts or set of safety values collected from various aviation-related sources, which when analyzed is used to maintain or improve safety.
- Note: Such safety data is collected from proactive or reactive safety-related activities, including:*
- *Accident or incident investigations;*
 - *Safety reporting;*
 - *Continuing airworthiness reporting;*
 - *Operational performance monitoring;*
 - *Inspections, audits, and surveys; or*
 - *Safety studies and reviews.*
- (507) **Safety information.** Safety data processed, organized, or presented in a given context so as to make it useful for the purpose of sharing, exchanging, or retaining for safety management.
- (508) **Safety management system (SMS).** A systematic approach to managing safety, including the necessary organizational structures, accountability, responsibilities, policies, and procedures.
- (509) **Safety oversight.** A function, performed by a State, that ensures that aviation license, certificate, Authorization, or approval holders comply with safety-related standards, regulations, and associated procedures and includes the assessment of the service providers' SMS where necessary.
- (510) **Safety performance.** A State or service provider's safety achievement as defined by its safety performance targets and safety performance indicators.
- (511) **Safety performance indicator.** A data-based parameter used for monitoring and assessing safety performance.
- (512) **Safety performance target.** A State or service provider's planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives.
- (513) **Safety programme.** An integrated set of regulations and activities aimed at improving safety.
- (514) **Safety recommendation.** A proposal of the accident investigation authority of the State conducting the investigation, based on information derived from the investigation, made with the intention of preventing accidents or incidents.
- (515) **Safety risk.** The predicted probability and severity of the consequences or outcomes of a hazard.
- (516) **Safety-sensitive personnel.** Persons who might endanger aviation safety if they perform their duties and functions improperly, including crew members, aircraft maintenance personnel, and air traffic controllers.
- (517) **Satellite approved training organization (ATO).** An ATO at a location other than the ATO's principal place of business.
- (518) **Satisfactory evidence.** A set of documents or activities that a Contracting State accepts as sufficient to show compliance with an airworthiness requirement.
- (519) **Screening.** The application of technical or other means that are intended to identify

and/or detect weapons, explosives, or other dangerous devices, articles, or substances that may be used to commit an act of unlawful interference.

Note 1: Certain dangerous articles or substances are classified as dangerous goods by ICAO Annex 18 and the Technical Instructions, and must be transported in accordance with those instructions. In addition, ICAO Doc 8973, Restricted – Aviation Security Manual, provides a list of prohibited items that shall never be carried in the cabin of an aircraft.

Note 2: See definition below for Technical Instructions.

- (520) **Secondary standards.** A standard maintained by comparison with a primary standard.
- (521) **Security audit.** An in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme.
- (522) **Security control.** A means by which the introduction of weapons, explosives, or other dangerous devices, articles, or substances that may be used to commit an act of unlawful interference can be prevented.
- (523) **Security culture.** A set of security-related norms, values, attitudes, and assumptions that are inherent in the daily operation of an organization and are reflected by the actions and behaviors of all entities and personnel within the organization.
- (524) **Security inspection.** An announced or unannounced examination of the effectiveness of the implementation of specific security measures.
- (525) **Security restricted area.** Those areas of the airside of an aerodrome that are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft; the ramp; baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present; cargo sheds; mail centres; and airside catering and aircraft cleaning premises.
- (526) **Security survey.** An evaluation of security needs, including the identification of vulnerabilities that could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions.
- (527) **Security test.** A covert or overt trial of an aviation security measure that simulates an attempt to commit an unlawful act.
- (528) **Series of flights.** Consecutive flights that:
 - (i) Begin and end within a period of 24 hours; and
 - (ii) Are all conducted by the same PIC.
- (529) **Serious incident.** An incident involving circumstances indicating that an accident nearly occurred.
- (530) **Serious injury.** An injury that is sustained by a person in an accident and that:
 - (i) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;
 - (ii) Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
 - (iii) Involves lacerations that cause severe hemorrhage, nerve, muscle, or tendon

- damage;
- (iv) Involves injury to any internal organ;
 - (v) Involves second- or third-degree burns or any burns affecting more than 5 per cent of the body surface; or
 - (vi) Involves verified exposure to infectious substances or injurious radiation.
- (531) **Shall.** A rule of construction defined in paragraph 1.1.1.1(a)(1) of this part as indicating a mandatory requirement.
- (532) **Signal area.** An area on an aerodrome used for the display of ground signals.
- (533) **Sign an approval for return to service (to).** To certify that maintenance work has been completed satisfactorily in accordance with the applicable Standards of airworthiness by issuing the approval for return to service referred to in Part 5 of these regulations.
- (534) **Sign an approval for return to service (to).**¹ To certify that maintenance work has been completed satisfactorily in accordance with appropriate airworthiness requirements by issuing the approval for return to service referred to in Parts 6 and 9 of these regulations.
- (535) **Significant.** In the context of the medical provisions in subpart 2.11 of these regulations, significant means to a degree or of a nature that is likely to jeopardize flight safety.
- (536) **Sint Maarten Civil Aviation Authority (SMCAA):** The Department of Civil Aviation, - Shipping and Maritime, as established by the Government Decree Organization structure of the Ministry of Tourism, Economic Affairs, Traffic and Telecommunication
- (537) **Skill test.** A competency test on the areas of operation for a license, certificate, rating, or Authorization that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight, in an approved FSTD, or in a combination of these.
- (538) **Small aeroplane.** An aeroplane having a maximum certificated take-off mass of 5 700 kg or less.
- (539) **Solo flight.** Flight time during which a student pilot is the sole occupant of the aircraft or flight time during which the student acts as a PIC of a gas balloon or an airship requiring more than one flight crew member.
- (540) **Solo flight time.** Flight time during which a student pilot is the sole occupant of an aircraft.
- (541) **Solo flight time – remotely piloted aircraft (RPA) systems.** Flight time during which a student remote pilot is controlling the RPAS, acting solo.
- (542) **Spare parts.** Any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), aircraft engines (other than propellers), propellers, and appliances that are maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance but at the time are not installed therein or attached thereto.
- (543) **Special aircraft jurisdiction of Sint Maarten.** This includes:
- (i) Civil aircraft of Sint Maarten; and
 - (ii) Any other aircraft within the jurisdiction of Sint Maarten, while the aircraft is in flight, which is from the moment when all external doors are closed following
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embarkation until the moment when one such door is opened for disembarkation or, in the case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.

- (544) **Special curricula.** A closely supervised, systematic, and continuous course of training, conforming to a planned syllabus or curriculum and conducted in an ATO.

Note: The definition of special curricula has been derived from the note to ICAO Annex 1: 1.2.8.

- (545) **Specialized maintenance.** Any maintenance not normally performed by an AMO (e.g., tire retreating, plating).

- (546) **Special VFR flight.** A VFR flight cleared by ATC to operate within a control zone in meteorological conditions below VMC.

- (547) **Specific approval.** An approval that is documented in the operations specifications for commercial air transport operations or in the list of specific approvals for non-commercial operations.

- (548) **Standard atmosphere.** An atmosphere defined as follows:

- (i) The air is a perfect dry gas;
- (ii) The physical constants are:
 - (A) Sea level mean molar mass: $M_0 = 28.964\,420 \times 10^{-3} \text{ kg mol}^{-1}$
 - (B) Sea level atmospheric pressure: $P_0 = 1\,013.250 \text{ hPa}$
 - (C) Sea level temperature: $t_0 = 15^\circ\text{C}$
 $T_0 = 288.15 \text{ K}$
 - (D) Sea level atmospheric density: $\rho_0 = 1.225\,0 \text{ kg m}^{-3}$
 - (E) Temperature of the ice point: $T_i = 273.15 \text{ K}$
 - (F) Universal gas constant: $R^* = 8.314\,32 \text{ JK}^{-1}\text{mol}^{-1}$
- (iii) The temperature gradients are:

Geopotential altitude (km)		Temperature gradient (Kelvin per standard geopotential kilometre)
From	To	
-5.0	11.0	-6.5
11.0	20.0	0.0
20.0	32.0	+1.0
32.0	47.0	+2.8
47.0	51.0	0.0
51.0	71.0	-2.8
71.0	80.0	-2.0

Note 1: The standard geopotential metre has the value $9.806\,65 \text{ m}^2 \text{ s}^{-2}$.

Note 2: See ICAO Doc 7488, Manual of the ICAO Standard Atmosphere (extended to 80 kilometres (262 500 feet)), for the relationship between the variables and for tables giving the corresponding values of temperature, pressure, density, and geopotential.

Note 3: ICAO Doc 7488 also gives the specific weight, dynamic viscosity, kinematic viscosity, and speed of sound at various altitudes.

- (549) **State of Design.** The State having jurisdiction over the organization responsible for the

type design.

- (550) **State of Design of Modification.** The State having jurisdiction over the individual or organization responsible for the design of the modification or repair of an aircraft, engine, propeller..
- (551) **State of Destination.** As relating to dangerous goods, the State in the territory of which the dangerous goods consignment is finally to be unloaded from an aircraft.
- (552) **State of Manufacture.** Until 25 November 2026, the State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine, or propeller.
- (553) **State of Occurrence.** The State in the territory of which an accident or incident occurs.
- (554) **State of Origin.** As relating to dangerous goods, the State in which dangerous goods were first loaded on an aircraft.
- (555) **State of Registry.** The State on whose register the aircraft is entered.

Note: In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations that, under the Chicago Convention, are attached to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies, which can be found in ICAO Doc 9587, Policy and Guidance Material on the Economic Regulation of International Air Transport.

- (556) **State of the Aerodrome.** The State in whose territory the aerodrome is located.
- (557) **State of the Operator.** The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.
- (558) **State of the principal location of a general aviation operator.** The State in which the operator of a general aviation aircraft has its principal place of business or, if there is no such place of business, its permanent residence.
- (559) **State safety programme (SSP).** An integrated set of regulations and activities aimed at improving safety.
- (560) **Stores (supplies).** Stores (supplies) (a) for consumption and (b) to be taken away.
- (561) **Substantial damage.** Damage or failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft and that would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowlings, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage for the purpose of this substantial damage relating to an aircraft accident.
- (562) **Surveillance.** The State activities through which the State proactively verifies through inspections and audits that aviation license, certificate, Authorization, or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.
- (563) **Syllabus (training).** As of 26 November 2026, the detailed summary or outline describing the main points of a course.
- (564) **Synthetic flight trainer.** See flight simulation training device (FSTD).

- (565) **Synthetic vision system (SVS).** A system to display data-derived synthetic images of the external scene from the perspective of the flight deck.
- (566) **Take-off and initial climb phase.** That part of the flight from the start of take-off to 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or to the end of the climb in the other cases.
- (567) **Take-off decision point.** The point used in determining take-off performance from which, a power-unit occurring at this point, either a rejected take-off may be made or a take-off may be safely continued. TDP applies to performance Class 1 helicopters.
- (568) **Take-off safety speed for Category A rotorcraft (VTOSS).** As it pertains to rotary-wing aircraft, the minimum speed at which climb shall be achieved with the critical engine inoperative, the remaining engines operating within approved operating limits.
- Note: The speed referred to above may be measured by instrument indications or achieved by a procedure specified in the flight manual.*
- (569) **Take-off surface.** The part of the surface of an aerodrome that the aerodrome authority has declared available for the normal ground or water run of aircraft taking off in a particular direction.
- (570) **Target level of safety (TLS).** A generic term representing the level of risk that is considered acceptable in particular circumstances.
- (571) **Taxiing.** Movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing.
- (572) **Taxiway.** A defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including:
- (i) **Aircraft stand taxilane.** A portion of a ramp designated as a taxiway and intended to provide access to aircraft stands only.
 - (ii) **Ramp taxiway.** A portion of a taxiway system located on a ramp and intended to provide a through taxi route across the ramp.
 - (iii) **Rapid exit taxiway.** A taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways, thereby minimizing runway occupancy times.
- (573) **Technical Instructions.** ICAO Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, including the supplement and any addendum approved and issued periodically by the ICAO Council.
- Note: The term “Technical Instructions” is used in these regulations.*
- (574) **Terminal control area.** A control area normally established at the confluence of ATC routes in the vicinity of one or more major aerodromes.
- (575) **Terrain awareness warning system.** A system that provides the flight crew with sufficient information and alerts to detect a potentially hazardous terrain situation so the flight crew may take effective action to prevent a CFIT event.
- (576) **Threat.** As relating to flight, events or errors that occur beyond the influence of an operational person, increase operational complexity, and shall be managed to maintain the margin of safety.
- (577) **Threat management.** The process of detecting threats and responding to them with countermeasures that reduce or eliminate the consequences of threats and mitigate the

probability of errors or undesired states.

- (578) **Threshold time.** The range, expressed in time, established by the State of the Operator, to an en route alternate aerodrome, where any time beyond requires a *specific approval for EDTO* from the State of the Operator.
- (579) **Total estimated elapsed time.** For IFR flights, the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an IAP will be commenced or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome. For VFR flights, the estimated time required from take-off to arrive over the destination aerodrome.
- (580) **Total vertical error (TVE).** The vertical geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level).
- (581) **Traceability.** A characteristic of a calibration, analogous to a pedigree. A traceable calibration is achieved when each measurement device and working standard, in a hierarchy stretching back to the national standard, was itself properly calibrated and the results properly documented. The documentation provides the information needed to show that all calibrations in the chain of calibrations were properly performed.
- (582) **Track.** The projection on the earth's surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from north (true, magnetic, or grid).
- (583) **Traffic avoidance advice.** Advice provided by an ATS unit specifying manoeuvres to assist a pilot to avoid a collision.
- (584) **Traffic information.** Information issued by an ATS unit to alert a pilot to other known or observed air traffic that may be in proximity to the position or intended route of flight and to help the pilot avoid a collision.
- (585) **Training programme.** A programme that consists of courses, courseware, facilities, flight training equipment, and personnel necessary to accomplish a specific training objective. It may include a core curriculum and a specialty curriculum.
- (586) **Training specifications.** A document issued to an ATO certificate holder by Sint Maarten that specifies training programme requirements and authorizes the conduct of training, checking, and testing with any limitations thereof.
- (587) **Training time.** The time spent receiving flight training, ground training, or simulated flight training in an approved FSTD from an authorized instructor.
- (588) **Training to proficiency.** The process of the check pilot administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period.
- (589) **Transfer cargo and mail.** Cargo and mail departing on an aircraft other than that on which it arrived.
- (590) **Transfer standard.** Any standard that is used to compare a measurement process, system, or device at one location or level with a measurement process, system, or device at another location or level.
- (591) **Transition altitude.** The altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes.
- (592) **Type certificate (TC).** Until 25 November 2026, a document issued by a Contracting State to define the design of an aircraft, engine, or propeller type and to certify that this

design meets the appropriate airworthiness requirements of that State.

Note: In some Contracting States a document equivalent to a TC may be issued for an engine or propeller type.

- (593) **Type design.** Until 25 November 2026, the set of data and information necessary to define an aircraft, engine, or propeller type for the purpose of airworthiness determination.
- (594) **Ultimate load.** The limit load multiplied by the appropriate factor of safety.
- (595) **Unaided night flight.** For a flight in which a pilot uses night vision goggles, the portion of the flight in which the pilot does not use night vision goggles to maintain visual surface reference.
- (596) **Undesired aircraft state.** Occurs when the flight crew places the aircraft in a situation of unnecessary risk.
- (597) **Unidentified baggage.** Baggage at an aerodrome, with or without a baggage tag, that is not picked up by or identified with a passenger.
- (598) **United Nations (UN) number.** The four-digit number assigned by the UN Committee of Experts on the Transport of Dangerous Goods and the UN Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals to identify an article or substance or a particular group of articles or substances.
- (599) **Unit load device (ULD).** Any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo.
- (600) **Unmanned aircraft (UA).** Any aircraft intended to be flown without a pilot on board. It can be remotely and fully controlled from another place (ground, another aircraft, space) or pre-programmed to conduct its flight without intervention.
- (601) **Unmanned aircraft system (UAS).** An aircraft and its associated elements that are operated with no pilot on board.
- (602) **Unmanned free balloon.** A non-power-driven, unmanned, lighter-than-air aircraft in free flight.
- (603) **Unpredictability.** The implementation of security measures in order to increase their deterrent effect and their efficiency by applying them at irregular frequencies, in different locations, and/or with varying means, in accordance with a defined framework.
- (604) **Validation.** The action taken by Sint Maarten, as an alternative to issuing its own license, in accepting a license issued by another Contracting State as the equivalent of its own license for use on aircraft registered in Sint Maarten. Also referred to as rendering a license valid.
- (605) **Visibility.** For aeronautical purposes, the greater of:
 - (iv) The greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background;
 - (v) The greatest distance at which lights in the vicinity of 1 000 candelas can be seen and identified against an unlit background.
- (606) **Visual flight rules (VFR).** The rules that govern the operation of aircraft in VMC.

Note: Because of the limited communication and/or navigation equipment required for VFR flight, a VFR aircraft may be subject to limitations if and when it is permitted in controlled airspace. Any conditions are detailed in the national AIPs.

- (607) **Visual line-of-sight (VLOS) operation.** An operation in which the remote pilot or RPA observer maintains direct unaided visual contact with the RPA.
- (608) **Visual meteorological conditions (VMC).** Meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima.

Note: The specified minima are contained in Part 8 of these regulations.

- (609) **Wet lease.** The lease of an aircraft with crew and other backup.
- (610) **Wet runway.** A runway is considered wet if its surface is covered by any visible dampness or water up to and including 3 mm deep within the intended area of use.
- (611) **Will.** A rule of construction in paragraph 1.1.1.1(a)(4) of this part that indicates an action incumbent upon the Authority.

1.6 SAFETY MANAGEMENT

1.6.1.1 APPLICABILITY

- (a) This subpart prescribes procedures applicable to safety management functions related to, or in direct support of, the safe operation of aircraft, by:
 - (1) specified aviation safety service providers, and
 - (2) operators.

Note 1: Safety management provisions for States are contained in ICAO Annex 19, Chapter 3, and relate to an SSP.

Note 2: Within the context of these regulations, the term “service provider” refers to those organizations listed in 1.6.1.2 of this part and does not include international general aviation operators.

Note 3: Safety management provisions for specified aviation service providers and operators are in ICAO Annex ICAO Annex 19, Chapter 4, and relate to SMS.

Note 4: Safety management provisions pertaining to specific types of aviation activities are addressed in the relevant Annexes.

Note 5: Basic safety management principles applicable to the medical assessment process of license holders are contained in ICAO Annex 1. Guidance is available in ICAO Doc 8984, Manual of Civil Aviation Medicine.

1.6.1.2 SAFETY MANAGEMENT SYSTEM – SERVICE PROVIDERS

- (a) The following service providers shall implement an SMS:
 - (1) ATOs, approved in accordance with Part 3 of these regulations, that are exposed to safety risks related to aircraft operations during the provision of their services;
 - (2) AOC holders, approved in accordance with Part 9 of these regulations, of aircraft;
 - (3) AMOs, approved in accordance with Part 6 of these regulations, providing services to operators of aircraft engaged in international commercial air transport;

- (4) Organizations responsible for the type design or manufacture of aircraft, engines, or propellers;
 - (5) ATS/ANS providers; and
 - (6) Operators of certificated aerodromes
- (b) The service providers listed in paragraph 1.6.1.2(a) of this subsection shall implement an SMS acceptable to the Authority that as a minimum shall:
 - (1) contain the components and elements listed in IS 1.6.1.2; and
 - (2) be commensurate with the size of the service provider and the complexity of its aviation products or services.
- (c) The SMS shall clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management.

Note: An SMS is also required by organizations involved in the type design or manufacture of aircraft, in accordance with ICAO Annex 8, and operators of aerodromes, in accordance with ICAO Annex 14, should a State have such service providers.

1.6.1.3 SAFETY MANAGEMENT SYSTEM – INTERNATIONAL GENERAL AVIATION OPERATORS

- (a) International general aviation operators shall implement an SMS that meets the criteria established by the State of Registry when conducting operations with:
 - (1) An aeroplane with a maximum certificated take-off mass exceeding 2000 kg;
 - (2) An aeroplane equipped with one or more turbojet engines; or
 - (3) An aeroplane with a seating configuration of more than nine passenger seats.
- (b) The SMS shall be acceptable to the Authority and shall:
 - (1) Meet the criteria established by the State of Registry;
 - (2) Address the SMS framework and elements prescribed in IS 1.6.1.2; and
 - (3) Be commensurate with the size and complexity of the operation.

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SINT MAARTEN CIVIL AVIATION REGULATIONS

PART 1 — IMPLEMENTING STANDARDS

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PART 1 — IMPLEMENTING STANDARDS

IS 1.2.1.8 PSYCHOACTIVE SUBSTANCE TESTING AND REPORTING

- (a) The following are deemed to be psychoactive substances:
 - (1) Alcohol.
 - (2) Opioids.
 - (3) Cannabinoids.
 - (4) Sedatives and hypnotics.
 - (5) Cocaine and other stimulants (except caffeine).
 - (6) Hallucinogens; and
 - (7) Volatile solvents.

IS 1.3.3 RESERVED

IS 1.6.1.2 SAFETY MANAGEMENT SYSTEM – SERVICE PROVIDERS

Note: As relating to service providers in this context, “accountability” refers to an obligation that may not be delegated, and “responsibilities” refers to functions and activities that may be delegated.

- (a) The following specifies the framework for the implementation and maintenance of an SMS by a service provider.
 - (1) Safety policy and objectives:
 - (i) Management commitment.
 - (A) The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall:
 - 1. Reflect organizational commitments regarding safety, including the promotion of a positive safety culture;
 - 2. Include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
 - 3. include the safety reporting procedures;
 - 4. clearly indicate which types of operational behaviors are unacceptable related to the service provider’s aviation activities and shall include the circumstances under which disciplinary action would not apply;
 - 5. Be signed by the accountable manager of the organization;
 - 6. Be communicated, with visible endorsement, throughout the organization; and
 - 7. Be periodically reviewed to ensure it remains relevant and appropriate to the service provider.
 - (B) Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall:

1. Form the basis for safety performance monitoring and measurement as required by paragraph (a)(3)(i)(B) of this IS;
2. Reflect the service provider's commitment to maintain or continuously improve the overall effectiveness of the SMS;
3. Be communicated throughout the organization; and
4. Be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

Note: Guidance on setting safety objectives is provided in ICAO Doc 9859.

(ii) Safety accountabilities and responsibilities

(A) The service provider shall:

1. Identify the accountable manager who, irrespective of other functions, is accountability, on behalf of the organization, for the implementation and maintenance of the SMS;
2. Clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management;
3. Identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the organization;
4. Document and communicate safety accountability, responsibilities, and authorities throughout the organization; and
5. Define the levels of management with authority to make decisions regarding safety risk tolerability.

(iii) Appointment of key safety personnel

- (A) The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS.

Note: Depending on the size of the service provider and the complexity of its aviation products or services, the responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons, fulfilling the role of safety manager, as their sole function or combined with other duties, provided this does not result in any conflicts of interest.

(iv) Coordination of emergency response planning

- (A) The service provider required to establish and maintain an emergency response plan for accidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products or services.

(v) SMS documentation

- (A) The service provider shall develop and maintain an SMS manual that describes the service provider's:
1. the safety policy and objectives,

2. the SMS requirements,
3. the SMS processes and procedures; and
4. accountability, responsibilities and authorities for SMS processes and procedures.

- (B) The service provider shall develop and maintain SMS operational records as part of its SMS documentation.

Note: Depending on the size of the service provider and the complexity of its aviation products or services, the SMS Manual and SMS operational records may be in the form of stand-alone documents or may be integrated with other organizational documents (or documentation) maintained by the service provider.

(2) Safety risk management:

(i) Hazard identification.

- (A) The service provider shall develop and maintain a process to identify hazards associated with its aviation products or services.

- (B) The service provider shall base its hazard identification on a combination of reactive and proactive methods.

(ii) Safety risk assessment and mitigation.

- (A) The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

Note: The process may include predictive methods of safety data analysis

(3) Safety assurance:

(i) Safety performance monitoring and measurement.

- (A) The service provider shall develop and maintain the means to
verify the safety performance of the organization, and
to validate the effectiveness of safety risk controls.

Note: An internal audit process is one means to monitor compliance with safety regulations, the foundation upon which an SMS is built, and assess the effectiveness of these safety risk controls and the SMS. Guidance on the scope of the internal audit process is contained in ICAO Doc 9859

- (B) The service provider shall verify the safety performance of the organization in reference to the safety performance indicators and safety performance targets of the SMS in support of the organization's safety objectives.

(ii) The management of change

- (A) The service provider shall develop and maintain a process to identify changes that may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

- (iii) Continuous improvement of the SMS
 - (A) The service provider shall monitor and assess its SMS processes to maintain or continuously improve the overall effectiveness of the SMS.
- (4) Safety promotion:
 - (i) Training and education
 - (A) The service provider shall develop and maintain a safety training programme that ensures that all personnel are trained and competent to perform the SMS duties, and
 - (B) The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.
 - (ii) Safety communication.
 - (A) The service provider shall develop and maintain a formal means for safety communication that:
 - 1. Ensures all personnel are aware of the SMS to a degree commensurate with their positions;
 - 2. Conveys safety-critical information;
 - 3. Explains why particular actions are taken to improve safety; and
 - 4. Explains why safety procedures are introduced or changed.

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