

General Declaration Form 7507 Citation List

19 CFR 122.43,122.52,122.54,122.73,122.144

§122.43 General declaration.

(a) **When required.** A general declaration, Customs Form 7507, shall be filed for all aircraft required to enter under §122.41 (Aircraft required to enter).

(b) **Exception.** Aircraft arriving directly from Canada on a flight beginning in Canada and ending in the U.S. need not file a general declaration to enter. Instead, an air cargo manifest (see §122.48) may be filed in place of the general declaration, regardless of whether cargo is on board. The air cargo manifest shall state the following:

I certify to the best of my knowledge and belief that this manifest contains an exact and true account of all cargo on board this aircraft.

Signature

(Aircraft Commander or Agent)

(c) **Form.** The general declaration shall be on Customs Form 7507 or on a privately printed form prepared under §122.5. The form shall contain all required information, unless the information is given in some other manner under subpart E of this part.

§122.52 Aircraft of foreign origin registered in the U.S.

(a) **Application.** This section applies to commercial aircraft (as defined in §122.1(d)) of foreign origin registered in the U.S. and arriving in the U.S. from a foreign area.

(b) **Aircraft entered as an imported article.** If an aircraft covered by this section is entered as an imported article, and any applicable duty for the aircraft has been paid on a prior arrival, it may be allowed to proceed as other than an imported article. In this instance, the aircraft commander must file a declaration that states the:

- (1) Port where entry was made;
- (2) Date duty, if any, was paid; and
- (3) Number of the entry.

(c) **Aircraft not entered as imported article.**

(1) Treatment as other than an imported article. A commercial aircraft covered by this section which has not been entered as an imported article may travel from airport to airport in the U.S. without payment of duty. Each commercial aircraft shall proceed under a permit on Customs Form 7507 or 7509, as provided in §122.54. Treatment of the aircraft as other than an imported article shall continue for so long as the aircraft:

(i) Is used only for commercial purposes between the U.S. and foreign areas; and

(ii) Will leave the U.S. for a foreign destination in commercial use or carrying neither passengers nor cargo.

(2) **Treatment as an imported article.** Any aircraft covered by this section which was not entered as an imported article shall make entry if it:

(i) Is withdrawn from commercial use between the U.S. and foreign areas; or

(ii) Is used in the U.S. in a way not reasonably related to efficient commercial use of the aircraft between the U.S. and foreign areas.

(3) **Aircraft damage and duty payment.**

(i) **Substantial damage to commercial aircraft.** If an accident causes substantial damage to a commercial aircraft, no entry or duty payment is required for any part of the wreckage.

(ii) **Less than substantial damage and export.** If an accident does not cause substantial damage to a commercial aircraft, salvageable parts of the wrecked aircraft may be exported. In this circumstance, the aircraft, as a whole or in part, is not considered to be withdrawn from commercial use and is not subject to entry or to duty as imported merchandise.

(iii) **Less than substantial damage and no export.** If an accident does not cause substantial damage to a commercial aircraft and the wrecked aircraft or any salvageable part of it is not exported, then:

(A) Entry is required to be made for the damaged aircraft or any salvageable part of it; and

(B) A duty payment, if applicable, based on the condition of the aircraft following the accident, is required.

§122.54 Aircraft of foreign registry.

(a) **Application.** For any commercial aircraft of foreign registry arriving in the U.S., the aircraft commander or agent shall file for an international traffic permit when the aircraft;

- (1) Is not an imported article; and
- (2) Is ferried (proceeds carrying neither passengers nor cargo) from the airport of first arrival to one or more airports in the U.S. (For permit to proceed with residue cargo, passengers, or crewmembers for discharge in the U.S., see subpart I of this part).

(b) **International traffic permit.** The international traffic permit shall be filed on Customs Form 7507 by the carrier or its agent. Customs Form 7509 may be used if the aircraft arrives directly from Canada on a flight beginning in Canada and ending in the U.S. Either form shall show the following information and must be approved by the appropriate Customs officer:

- (1) Type of aircraft;
- (2) Nationality and registration number of aircraft;
- (3) Name and country of aircraft manufacturer;
- (4) Name of aircraft commander;
- (5) Country from which aircraft arrived;
- (6) Name and location of airport where international traffic permit is issued;
- (7) Date international traffic permit is issued;
- (8) Name and location of airport to which aircraft is proceeding;
- (9) Purpose of stay in the U.S.;
- (10) Signature of Customs officer giving permit.

(c) **Permit on board.** The international traffic permit shall be kept on board the aircraft while in the U.S.

(d) **Intermediate airports.** For each airport at which the aircraft lands, the Customs officer, or airport manager if there is no Customs officer present, shall note the following information on the permit:

- (1) Name and location of the airport;
- (2) Date and arrival time;
- (3) Purpose of the visit;

(4) Name and location of the next airport to be visited; and

(5) Date and time of departure.

(e) **Final airport.** The international traffic permit shall be given to the Customs officer in charge at the airport of final clearance for a foreign destination. Before clearance is given, the Customs officer shall make sure that the aircraft was properly inspected by Customs in the U.S.

(f) **Port of issue.** The international traffic permit shall be returned after final clearance to the director of the port where the permit was issued, to be kept on file.

(g) **Enforcement.** Once the permit to proceed has been issued for an aircraft, the director of the port of issue must receive notice that the aircraft has made final clearance. If notice is not received within 60 days, the port director shall report the matter to the Customs agent in charge of the area for investigation.

§122.73 General declaration and air cargo manifest.

(a) General declaration.

(1) **Form.** The general declaration must be on CBP Form 7507 and must show all information required.

(2) **Preparation and filing.** The aircraft commander or agent must file two copies of the general declaration with CBP at the departure airport.

(3) **Exception.** A general declaration will not be required if the air cargo manifest, CBP Form 7509, contains the statement shown in paragraph (b) of this section.

(b) Air cargo manifest.

(1) **Form.** The air cargo manifest must be on CBP Form 7509, and must show all information required. If a general declaration is not presented, the following statement, signed by the aircraft commander or agent, must appear on the form:

I declare that all statements contained in this manifest, including the account of the cargo on board this aircraft, are complete, exact, and true to the best of my knowledge.

Signature

(Aircraft Commander or Agent)

(2) **Preparation and filing.** The aircraft commander or agent must file two copies of the air cargo manifest with the Customs at the departure airport. Three copies

of the air cargo manifest must be filed if the aircraft is covered by §122.77(b).
The air cargo manifest must be filed in:

- (i) Complete form, with all required Electronic Export Information (EEI) filing citations, exclusions, and/or exemption legends (see §122.75); or
- (ii) Incomplete form (pro forma) under §122.74.

§122.144 Flights from the U.S. Virgin Islands to the U.S.

(a) **Aircraft not inspected.** This paragraph applies to aircraft departing from the U.S. Virgin Islands and arriving in the U.S., without having been inspected prior to departure.

(1) **On departure.** Aircraft leaving the U.S. Virgin Islands for the U.S. are governed by the provisions of this part that apply to aircraft leaving the U.S. for a foreign area.

(2) **On arrival.** Aircraft departing from the U.S. Virgin Islands and arriving in the U.S. are governed by the provisions of this part that apply to aircraft arriving in the U.S. from a foreign area.

(b) **Supervision.** When aircraft are inspected by Customs in the U.S. Virgin Islands, the port director may order any supervision found necessary to protect the revenue and enforce the laws administered by Customs. This includes the collection of duty and taxes on articles bought in the U.S. Virgin Islands.

(c) **Procedure.** When an aircraft that was inspected in the U.S. Virgin Islands arrives in the U.S. from the U.S. Virgin Islands, the aircraft commander must be able to give evidence of the inspection to Customs on request. Evidence of the inspection shall be given in the following manner:

(1) A certificate on Customs Form 7507 shall be presented for aircraft registered in the U.S.:

- (i) Of domestic origin; or
- (ii) Of foreign origin, if duty has been paid and the aircraft is proceeding carrying neither passengers nor cargo, or with cargo and/or passengers solely from the U.S. Virgin Islands.

Two copies of the certificate shall be given to the inspecting Customs officers in the U.S. Virgin Islands by the aircraft commander. The certificate shall be marked with the port and date of inspection, and must be signed by the inspecting officer. The original of the certificate must be returned to the aircraft commander, who must keep the certificate for a

reasonable time after the end of the flight to the U.S. If requested, the certificate shall be presented to Customs. The certificate may be destroyed or disposed of after a reasonable time at the discretion of the aircraft commander or agent.

(2) A permit to proceed on Customs Form 7507 shall be presented for aircraft registered in the U.S. which are:

- (i) Of foreign origin;
- (ii) Not duty paid; and
- (iii) Proceeding carrying neither passengers nor cargo.

The permit to proceed, as required by subpart F of this part, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(3) A permit to proceed on Customs Form 7507 shall be presented for aircraft registered in a foreign country and proceeding carrying neither passengers nor cargo. The permit to proceed, as required under subpart F of this part, shall be marked with the port and date of inspection, and shall be signed by the inspecting officer in the U.S. Virgin Islands.

(4) A permit to proceed, or other document, shall be filed as required under subpart I of this part for an aircraft carrying residue cargo and/or passengers. The permit to proceed shall be marked with the port and date of inspection, and it must be signed by the inspecting officer in the U.S. Virgin Islands.

Supplemental Information:

§122.41 Aircraft required to enter.

All aircraft coming into the United States from a foreign area must make entry under this subpart except:

- (a) Public and private aircraft;
- (b) Aircraft chartered by, and transporting only cargo that is the property of, the U.S. Department of Defense (DoD), where the DoD-chartered aircraft is manned entirely by the civilian crew of the air carrier under contract to DoD; and
- (c) Aircraft traveling from airport to airport in the U.S. under subpart I, relating to residue cargo procedures.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988, as amended by CBP Dec. 03-32, 68 FR 68170, Dec. 5, 2003]

§122.45 Crew list.

(a) **When required.** A crew list shall be filed by all aircraft required to enter under §122.41.

(b) **Exception.** No crew list is required for aircraft arriving directly from Canada on a flight beginning in Canada and ending in the U.S. Instead, the total number of crewmembers may be shown on the general declaration.

(c) **Form.** The crew list shall show the full name (last name, first name, middle initial) of each crewmember, either:

- (1) On the general declaration in the column headed "Total Number of Crew"; or
- (2) On a separate, clearly marked document.

(d) **Crewmembers returning as passengers.** Crewmembers of any aircraft returning to the U.S. as passengers on a commercial aircraft from a trip on which they were employed as crewmembers shall be listed on the aircraft general declaration or crew list.

§122.71 Aircraft departing with no commercial export cargo.

(a) **Application.** This section applies to aircraft departing for foreign territory with no export cargo, but not to those aircraft which are themselves being exported.

(1) Such aircraft may clear by telephone in advance with the director of the port of departure if departing empty or carrying only:

- (i) Passengers for hire; or
- (ii) Non-commercial cargo for which Electronic Export Information (EEI) is not required.

(2) If not cleared by telephone, an air cargo manifest containing the following statement, signed by the aircraft commander or agent, must be submitted to CBP:

I declare to the best of my knowledge and belief that there is no cargo on board this aircraft.

Signature

(Aircraft Commander or Agent)

(b) **Timeliness.** The request for telephone clearance must be received by the CBP officer in charge with sufficient time remaining before departure to ensure that CBP may undertake any necessary examination of the aircraft and cargo.

(c) **Documentation.** If clearance is granted by telephone, the aircraft commander is not required to file the documents required by this subpart.