

CLIENT ALERT

It's a Plane: Significant Modifications do not Result in Substantial Transformation

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On March 10, 2017, U.S. Customs and Border Protection published a final determination under the Trade Agreements Act that the country of origin of a Brazilian-manufactured military cargo airplane would remain Brazil, even after the aircraft undergoes significant conversion into a civil fire-fighting aircraft within the United States. According to CBP, the U.S.-origin changes to the aircraft—which include removing and adding various systems and components to install fire suppression capability—are not sufficient to change the aircraft's "fundamental identity" and thus, do not constitute "substantial transformation." The CBP emphasized that the aircraft would maintain its "most important" systems, the "basic structural integrity and the aerodynamics of the aircraft" would remain unchanged, and there was no evidence to demonstrate meaningful changes to the aircraft's power, speed and range, or to the electronics and instruments used to fly the plane.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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