

PART I
SAMPLE BASIC AIR LAW CONCERNING FOREIGN AIR
OPERATORS

Note: The information in this Part is included for information, as the State primary aviation legislation probably includes similar provisions for all air operators, including foreign air operators.

1.0 Definition

Foreign air operator - Any operator, not being a [STATE] air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of [STATE], whether on a scheduled or charter basis.

2.0 Authority of the Director General Concerning Foreign Air Operators

2.1 The Director General shall be authorized to promulgate regulations for the safety of operations and surveillance of foreign air operators operating within [STATE].

2.2 The Director General shall be authorized access to civil aircraft, without unreasonable delay, to search on landing or departure and to inspect the certificates and other documents prescribed under the Convention on International Civil Aviation for the purposes of ensuring that these aircraft are being operated in accordance with this Act and regulations issued under this Act.

2.3 (1) The Director General is authorized to direct the operator or the pilot in command of a foreign civil aircraft operating within [State], that the aircraft is not to be operated when unsafe or likely to be operated in an unsafe manner

2.3 (2) Subject to the Convention on International Civil Aviation, the Director General may take such steps as are necessary to detain such aircraft or flight crew and to notify the state of registry and the state of the operator as appropriate.

Part II
CIVIL AVIATION REGULATIONS

[STATE]

COMMERCIAL AIR TRANSPORT BY FOREIGN AIR OPERATORS WITHIN
[STATE]

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XXX.1 APPLICABILITY

This Part shall apply to the operation of any civil aeroplane for the purpose of commercial air transport operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than the [civil aviation authority of STATE].

XXX.2 DEFINITIONS

For the purposes of Part XXX, the following definitions shall apply:

¹(1) **Foreign air operator** – Any operator that holds an air operator certificate issued by one State and that operates, or seeks to operate, into the airspace above the territory of another State

(2) **Foreign Authority** – The civil aviation authority that represents the State of Registration or the State of the Operator.

(3) **Air Operator Certificate** – Certificate issued by the State of the Operator, authorizing an operator to carry out specified commercial air transport operations.

(4) **Validation of Air Operator Certificate (VAOC)** – Document issued by [State] in accordance with Part [XXX].

XXX.3 REQUIREMENT FOR A CERTIFICATE

No person shall perform an operation to which this Part applies except under the authority of, and in accordance with, a Validation of Air Operator Certificate issued under this Part.

XXX.4 ISSUE, SUSPENSION OR REVOCATION OF A CERTIFICATE

(1) A Validation of Air Operator Certificate may be granted or renewed for a period of up to five years, but in no case shall a Validation be issued having a validity period in excess of the validity period of the air operator certificate which is the subject of the validation.

(2) A Validation of Air Operator Certificate remains in force until it expires or is suspended or revoked by the Director.

(3) The holder of a Validation of Air Operator Certificate that expires or is suspended or revoked shall forthwith surrender the certificate to the Director.

XXX.5 COMPLIANCE

(1) A foreign air operator shall not operate an aircraft in commercial air transportation operations contrary to the requirements of :

- a) Part XXX;
- b) Applicable paragraphs of Parts [STATE GENERAL OPERATING RULES];
- c) the Validation of Air Operator Certificate;
- d) the rules of the state of registry of the aircraft and the state of the operator that give effect to the Standards and Recommended Practices contained in Annex 6 to the Chicago Convention.

¹ Definition of Foreign Air Operator not necessary if it is contained in the Aviation Act

(2) Despite paragraph (1) d), if a requirement of these Regulations is more stringent than the comparable requirement of a rule of the state of registry mentioned in that paragraph, the requirement of these Regulations applies.

XXX.6 EXEMPTIONS IN THE CASE OF EQUIVALENT STANDARDS

[State] may exempt the operator or the pilot in command of an aircraft engaged in operations under an Air Operator Certificate from compliance with a provision of this Part in respect of the aircraft only if:

(1) [CAA] is satisfied that, under the operator's air operator certificate or equivalent document, the operator or pilot in command is required to comply with an equivalent provision of no less a standard in respect of the safe operation of the aircraft than the provision of this Part from which an exemption is sought; and

(2) The aircraft is engaged in a non-scheduled flight.²

XXX.7 FORM OF A VALIDATION OF AIR OPERATOR CERTIFICATE FOR FOREIGN OPERATOR

(1) A Validation of Air Operator Certificate shall contain:

- a) The operator's full name;
- b) The date of issue and term of the certificate;
- c) The operator's business address and contact details for operational management;
- d) The operator's [STATE] business address and contact details;
- e) Areas of operation or routes;
- f) Any limitations or additional authorizations.
- g) A statement that the Validation is issued on the basis of an AOC that is in effect and that any changes to the original AOC or related conditions or limitations must be notified in writing to the [STATE] within 30 days of such a change;
- h) A statement that the Validation ceases to have effect at the earliest of: the expiry of the term of issue, and any breach of the conditions or limitations of the Validation.

(2) Conditions imposed on an operator by the operations specifications of an Air Operator Certificate issued by the State of the Operator are conditions of the Validation of Air Operator Certificate of the Foreign Operator.

XXX.8 VALIDATION

(1) An operator engaged in operations under a Validation of Air Operator Certificate must hold a valid air operator certificate, or an equivalent document, that:

- a) Is issued by the foreign authority responsible for regulating civil aviation in a Contracting State to the Convention on International Civil Aviation, or a State or territory that is acceptable to [State]; and
- b) Authorizes the holder to conduct those operations into, within or from [State] territory.

² STATE should consider also a condition here related to the frequency or number of such non-scheduled flights
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(2) [State] must be satisfied, for an operator mentioned in subsection (1), that the responsible authority mentioned in paragraph (a) continues to maintain its functions in respect of operations under the Air Operator Certificate in accordance with the Chicago Convention.

(3) If an air operator certificate or equivalent document mentioned in subsection (1) is cancelled, revoked, or amended, the operator must inform [State] in writing as soon as possible after the cancellation, revocation or amendment.

XXX.9 AUTHORITY TO INSPECT

Subject to the Convention on International Civil Aviation, a foreign air operator shall ensure that any person authorized by the [STATE] will be permitted at any time, without prior notice, to board any aeroplane within [STATE] operated for commercial air transportation, to inspect the documents and manuals required by XXX.10 and to perform inspections to ensure compliance with these regulations.

XXX.10 DOCUMENTS TO BE CARRIED

- (1) A foreign air operator shall ensure that:
 - a) The parts of the Operations Manual relevant to the duties of the crew are carried on each flight;
 - b) Those parts of the Operations Manual which are required for the conduct of a flight are easily accessible to the crew on board the aircraft on each flight;
 - c) The approved Aircraft Flight Manual or other document containing performance data, as required by the foreign authority or foreign authorities, is carried on the aircraft on each flight; and
 - d) Technical log containing information on the maintenance status and all outstanding deferred defects that affect the operation of the aircraft are carried on each flight.
- (2) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed in (1) the following information and forms, relevant to the type and area of operation, are carried on each flight:
 - a) Operational Flight Plan;
 - b) Appropriate NOTAM/AIS briefing documentation;
 - c) Appropriate meteorological information;
 - d) Mass and balance documentation;
 - e) Notification of special loads including any dangerous goods; and
 - f) Current maps and charts for the area of operation.
- (3) Information detailed in subparagraph (1), (2) above, or parts thereof, may be presented in a form other than on printed paper provided the information is accessible for inspection.
- (4) A foreign air operator shall ensure that all required documents are current and up to date.

XXX.11 PRODUCTION OF DOCUMENTATION, MANUALS AND RECORDS

(1) A foreign air operator shall:

- (a) Give any person authorized by the [State] access to any documents, manuals and records which are related to flight operations and maintenance; and
- (b) Produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(2) The pilot in command shall, within a reasonable time of being requested to do so by a person authorized by the [State], produce to that person the documentation, manuals and records required to be carried on board.

XXX.12 PRESERVATION, PRODUCTION AND USE OF FLIGHT RECORDER RECORDINGS

Following an accident, or an incident, within [State] when the [State] so directs, the operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for flight recorders within the meaning of ~~Annex 13 to the Convention on International Civil Aviation~~ **(Insert national regulation equivalent to ICAO Annex 13)** for a period of 60 days unless otherwise directed by the [STATE] investigating authority.

XXX.13 AIRCRAFT SECURITY

A foreign air operator shall:

- (1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national **aviation** security programme of the State of the operator;
- (2) Establish, maintain and conduct training programs approved by the State of the Operator which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;
- (3) Following an act of unlawful interference on board an aircraft the commander or, in his/her absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator;
- (4) Ensure that all aircraft carry a checklist of the procedures' to be followed for that type in searching for concealed weapons, explosives or other dangerous devices; and
- (5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorized access.

XXX.14 OFFERING DANGEROUS GOODS FOR TRANSPORT BY AIR

No foreign air operator may accept dangerous goods for transport by air in [STATE] unless the foreign air operator:

- (1) Has been authorized to do so by the state of the operator
- (2) Complies with all requirements of the state of the operator
- (3) Has conducted the required personnel training as required by ICAO Annex 18 and
- (4) Complies with the requirements of ICAO Annex 18 and the Technical Instructions for the Safe Transportation of Dangerous Goods by Air (DOC 9284)