

Annexes A -F

Annex A - DfT contact list

Applications to the Secretary of State for Transport should be sent to the Department, **by email whenever possible**, at the address below and marked for the attention of the following officers according to the State of registry of the aircraft to be used:

Department for Transport

Aviation Group

Zone 1/25

Great Minster House

76 Marsham Street

London SW1P 4DR

Email: airlineoperatingpermits@dft.gsi.gov.uk (office hours only)

Fax: 020 7944 2194

Telex: 22221 MAR G

SITA: LONASYA

AFTN: EGGCYA

1. tel: 020 7944 5804

tel: 020 7944 5848

Russia and other former Soviet Union States (except Baltic States); countries in Asia including the Indian sub-continent and the Far East; Australasia

2. tel: 020 7944 5849

tel: 020 7944 5848

Countries in North and South America, Central America and the Caribbean

3. tel: 020 7944 5806

tel : 020 7944 5947

Countries in Europe including Turkey and in Africa and the Middle East including Israel

Applications for "substitutions" during out-of-hours (1730hrs-0830hrs), weekends, Public and Bank Holidays should be submitted to the DfT Duty Officer, who can be contacted as follows:

Tel: 020 7944 5999

Fax: 020 7944 5369

Telex: 22221 MAR G

AFTN: EGGCYA

Annex B - Article 10 'Blanket Approval'

(Not attached to electronic version. Essentially either 5 days for any JAA carrier or two sectors inbound for non-JAA)

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**United Kingdom
Civil Aviation Authority**



Miscellaneous

No: 588

Approval

Publication Date: 28 March 2006

COUNCIL REGULATION (EEC) NO. 2407/92 OF 23 JULY 1992: ARTICLE 10 APPROVAL OF LEASES

- 1) The Civil Aviation Authority (the CAA), being the competent authority for the purpose of Article 10 of Council Regulation (EEC) No. 2407/92 of 23 July 1992 on Licensing of Air Carriers hereby approves the leasing arrangements described in paragraph 2.
- 2)
 - a) Any lease of an aircraft on the United Kingdom Register by an air carrier holding an Operating Licence granted by the CAA.
 - b) Any lease of an aircraft with crew ("wet lease") to a foreign operator, of any aircraft on the United Kingdom register operated by an air carrier holding an Operating Licence granted by the CAA, subject to the aircraft being operated in accordance with the terms of the Air Operator's Certificate granted by the CAA to the operator of the aircraft.
 - c) Any lease of an aircraft with crew ("wet lease") to an air carrier holding an Operating Licence granted by the CAA from a foreign operator holding an Air Operator's Certificate issued by a State which is signatory to the Chicago Convention, when because of unforeseen circumstances, the lessee is unable to use the aircraft intended to be used. This Approval is subject to the following conditions:
 - i) where the leased aircraft is operated by the holder of an Air Operator's Certificate issued by a State whose aeronautical authority is a full Member of the Joint Aviation Authorities, the period of the lease shall not exceed five consecutive days;
 - ii) where the leased aircraft is operated by the holder of an Air Operator's Certificate issued by any other State, then the aircraft can be used for the carriage of passengers or cargo on not more than two sectors, provided that either the first sector originates outside the United Kingdom, the Channel Islands, the Isle of Man or the European Economic Area (EEA) (for the purposes of this condition the definition of "EEA" given on the Consumer Protection Group website www.caa.co.uk/default.aspx?categoryid=213&pageid=90&pageid=922 is to be used) and is inbound to an airport in the United Kingdom, or the two sectors are wholly outside Europe;
 - iii) all leases entered into pursuant to paragraph 2) c) ii) of this Approval are reported to CAA SRG (Leasing Co-ordinator) on fax number 01293 573991, or by email aircraft.leasing@srg.caa.co.uk after the event, with details of the

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Annexes

UK Civil Aviation Authority

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circumstances which led to the lease, the operator of the leased aircraft, the length of the lease and the sectors flown and the operator contact should any further information be required.

- 3) This Approval replaces the Approvals published in the Official Record Series 4 Nos. 184 and 185, dated 14 March 1994 and No. 275, dated 3 February 1998 which are hereby revoked.
- 4) This Approval shall have effect from the date hereof until 31 March 2007 unless previously revoked.

Captain M A Vivian OBE
for the Civil Aviation Authority

21 March 2006

Annex C - Documentation to accompany applications for permission to lease foreign registered aircraft

In addition to the details specified at paragraph 11(b)(i)-(iv) of the procedures, applications to lease foreign registered aircraft should be accompanied by copies of the following documentation in respect of the aircraft concerned and (for wet lease applications only), the airline which will be the operator of the aircraft:

- (a) current Certificate of Competency and/or Air Operator's Certificate;
- (b) current Certificate of Airworthiness of the aircraft to be used;
- (c) current Certificate(s) of liability Insurance¹ for passenger, cargo and third party risks in respect of the aircraft to be used;
- (d) Noise Certificate(s) for the aircraft to be used;
- (e) confirmation that Non Precision and Category I Aerodrome Operating Minima are no lower than those contained in JAR-OPS, subpart E;
- (f) confirmation that flight crews are aware of the UK Approach Ban (see the Air Navigation Order 2005, Article 48).
- (g) evidence of authorisation by the CAA in respect of any proposals to carry dangerous goods.

¹ Insurance will not be adequate if it fails to meet the minimum levels of insurance for passengers, cargo, third parties (including war risk and allied perils) set out in Article 6 and 7 of Council Regulation 785/2004.

Annex D - Example letter from DfT requesting CAA advice

Economic Regulation Group

Civil Aviation Authority

CAA House

45-59 Kingsway

LONDON

WC2B 6TE

Date:

Application to lease a foreign registered aircraft

We have received the attached application from [*airline*] seeking permission to lease [*country*] registered aircraft [*registration*] for the period [].

It is my understanding that [*airline*] is/is not a Community air carrier with an EC operating licence granted by the Civil Aviation Authority. The Department is therefore considering whether to grant the necessary [waiver under Article 8.3 of Council Regulation 2407/92 on the licensing of air carriers and] permit under Article 138 of the Air Navigation Order 2005.

I should be grateful if the Authority would advise the Department whether the proposed lease meets the criteria set out in that provision and, if so, whether the [waiver and] permit should be granted.

In advising the Department would you please:

- (a) set out the length of the proposed lease;
- (b) describe the temporary needs or exceptional circumstances that give rise to the application;
- (c) give the Authority's reasons for its advice;
- (d) be guided by the following policy considerations:
 - (i) "short-term" should normally be regarded as covering periods of up to a traffic season;
 - (ii) where the criteria are met and the applicant has demonstrated a genuine commercial requirement for the aircraft within its own operations (see paragraph 11 of the CAA's revised Statement of Policies on Route and Air Transport Licensing which came into effect on 23 December 2003), the [waiver and] permit would normally be recommended; and
 - (iii) if it appears that the applicant is excessively dependent on aircraft registered in a non-EEA State, the [waiver and] permit would not normally be recommended.

I should be grateful if your reply could also indicate whether the Authority's advice contains information which is subject to section 23 of the Civil Aviation Act 1982. Any such information should be attached as an annex so that it can be easily excluded from disclosure.

I am sending a copy of this letter and application to the Safety Regulation Group, for [consideration under Article 10 of Council Regulation 2407/92 and] advice.

[Name of Departmental contact]

Aviation Group

Annex E - Right of establishment

Recital from Regulation EC/847/2004 on the negotiation and implementation of air service agreements between Member States and third countries:

"Whereas establishment on the territory of a Member State implies the effective and real exercise of air transport activity through stable arrangements;

"whereas the legal form of such an establishment, whether a branch or a subsidiary with a legal personality, is not the determining factor in this respect;

"whereas, when an undertaking is established on the territory of several Member States, as defined in the Treaty, it must ensure, in order to avoid any circumvention of national rules, that each of the establishments fulfils the obligations which may, in accordance with Community law, be imposed by the national law applicable to its activities."

Council minute statement on the right of establishment

The benefit of the right of establishment, according to the case law of the European Court of Justice on the "Open Sky" judgements, is granted to Community carriers having in one or more Member States stable and permanent organisational structures; it is for Member States to examine, in accordance with Community law, the nature of those structures.

The Member State is entitled to require, from Community carriers established on its territory, the respect of the appropriate national legislation, inter alia the applicable air transport specific regulations, including those concerning safety and security, as well as fiscal and social law, in conformity with Community law and its principles, in particular the principles of non-discrimination and proportionality.

The Member State is also entitled, under non-discriminatory conditions, to require from the Community carrier established the permanent presence on its territory of staff responsible for safety.

Annex F - Application for a waiver under article 8.3 of council regulation 2407/92

(Including permit under article 138 of the air navigation order 2005)

To lease foreign registered aircraft

For the replacement of aircraft due to unforeseen circumstances ('substitutions')

Details of UK airline

Name of airline:

Telephone:

Fax:

REASON FOR SUBSTITUTION (delete as applicable):

unplanned maintenance / ATC problems / strikes / other unavoidable delays to planned schedules

DETAILS OF FOREIGN AIRCRAFT

Name of airline:

Nationality of airline:

Aircraft type

Aircraft registration

DETAILS OF FLIGHT(S)

Date(s)	Flight no(s)	Route(s)
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(please attach a supplementary sheet if necessary)

SIGNED

Name:

Date:

Waivers **WILL NOT BE GRANTED** unless the UK CAA's Safety Regulation Group has also given their approval under Article 10 of Council Regulation 2407/92. The CAA's **ARTICLE 10 'BLANKET APPROVAL'**, published in Official Record Series 4 No 275 of 3 February 1998, covers the use for 'substitute' purposes foreign aircraft operated by the holder of an AOC issued by a full member country of the JOINT AVIATION AUTHORITIES (JAA) (ie. Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey). The CAA is not prepared to grant exceptions.

The CAA's 'blanket approval' allows aircraft registered in non-JAA countries to be used only on not more than two sectors provided that either the first sector originates outside of Europe and is inbound to an UK airport, or the two sectors are wholly outside Europe.

It is a criminal offence under Article 148 of the Air Navigation Order 2005 to provide false information for the purpose of obtaining an airline operating permit.

Applications should be sent to:

**Department for Transport, International Aviation & Safety Division, Great Minster House,
76 Marsham Street, London SW1P 4DR**

Fax: +44 (0)20 7944 2194 (office hours only),

Fax: +44 (0)20 7944 5369 (out of hours only: 17.30-08.30, weekends and public holidays)

Email: airlineoperatingpermits@dft.gov.uk (office hours only)