

Help Curb Non-compliant Flights

The vast majority of flights – particularly to, within, and from the EU – are operated in accordance with an Air Operator Certificate (AOC) and Operating License (OL), which are legal requirements. There are, however, unscrupulous operators who choose to circumvent the system. It is in the passengers' best interests to avoid being carried by non-compliant flights. It is therefore also in the best interests of operators and brokers – for their reputation and business – to ensure that all flights advertised and arranged are legally permissible and in compliance with the higher safety standards demanded of AOC holders. While non-compliance may be less expensive, any short-term cost advantage to the passenger in lower fares is more than outweighed by the higher risk of accident or incident and the likely lack of insurance.

For the reputation, safety, and fair competitiveness of our industry, reaffirm your commitment today. We would like to remind brokers that your professionalism is of the utmost importance and that your primary role is to provide the non-experienced customer with safe and compliant flights.

If you have questions or would like to report the promotion or conduct of non-compliant flights in Europe, please contact the European Business Aviation Association. We are cooperating with regulators to curtail non-compliant activities.

To anonymously report a flight that you believe may be non-compliant:

www.ebaa.org/reportflight



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* This brochure has been adapted with authorisation from the "Is my flight legal?" pamphlet produced by the UK Civil Aviation Authority



Is My Operation Compliant in Europe?

Ensure the Safety and Legality of
the Business Aircraft you Charter

A Guide for Brokers and Operators

If you are arranging or offering a charter flight,
make sure it is operated in accordance with the existing European legislation.
There are serious safety and legal implications if it is not.

ISSUE 1: The Air Operator's Certificate (AOC) and Operating License (OL) Requirement

It is a legal requirement that Charter flights flown within Europe are done so under an Air Operator's Certificate (AOC), which is directly linked to an Operating License (OL) held by the same operator.

Passengers paying to be flown in business fixed or rotary wing aircraft must be confident that their operator holds an AOC and an OL. Uncertificated or unlicensed operators should be identified and avoided. Only then can the business aviation community deliver - and their passengers enjoy - safety, transparency, and fair competition.

- **What does holding an AOC and OL mean?**

Companies or individuals wishing to carry fare-paying passengers have to complete a thorough process by which they provide assurances to their State's Civil Aviation Authority that they are 'competent to secure the safe operation of aircraft'. Through the OL, State Authorities ensure the legal and economic suitability of the operator.

Generally, during this process the applicant's operations manual is reviewed, and audits are conducted in such areas as management and organisational competence, crew training, aircraft maintenance, aircraft loading, flight planning, and fuel planning. Furthermore, once an AOC is granted, the operation is subject to a programme of continuing surveillance.

- **As a broker, how do I find out if the company or individual offering the flight holds an AOC and OL?**

This is quite simple. Ask the company for the name of the AOC holder and the number on that document. Then if you wish to verify the details, consult the State Aviation Authority that issued it.

- **If an operator is offering a cheaper flight but is a non-AOC holder, why shouldn't I arrange it?**

First, conducting a non-compliant flight may have serious consequences for the certification of the aircraft itself and may invalidate any otherwise applicable insurance cover, including the passengers' own life insurance.

Second, any operator not holding an AOC will not have undergone the rigorous operational safety oversight of a State Aviation Authority. The pilots may be licensed, but subject to a much less onerous training and testing regime than that applicable to public transport operations. The crews' working hours may be much less tightly regulated. The aircraft, which may appear clean and smart, may be properly maintained, but to a much less demanding schedule. It will most likely have lower standards of safety enhancing equipment and may be operated to considerably less demanding standards than for public transport flights.

In recent years there have been a number of successful prosecutions of operators of non-compliant public transport flights.

As increasingly more passengers are educated to request AOC and OL verification before confirming their travel, ensuring that you have this information readily at your fingertips will not only protect your reputation, but will also go a long way in ensuring the safe and legal operation of charter flights in Europe.

ISSUE 2: The Right to Operate Flights Intra-Europe

Each State is responsible for overseeing the safety of operators whose principal place of business is within their territory, and for granting the appropriate AOC and other documentation. Each State then has arrangements in place through which foreign-registered aircraft and operators are permitted to fly into, within and from their territory.

An operator holding an AOC issued by an EU Member State is permitted to operate freely into and between any other EU Member State.

Operators registered outside the EU need to apply to each relevant State separately for permission to operate. In general, operators based outside the EU are NOT allowed to undertake flights within any EU Member State nor to fly from one Member State to another. It is therefore potentially illegal to contract with any non-EU operator to undertake such a flight unless the operator has specific permission granted by the relative Member State.

There are international arrangements in place through which the safety standards of foreign operators are monitored. All operators must comply with international safety standards before being permitted to operate commercially to, from, or within Europe.

- **What if I'm unsure about the flight being offered?**

To check the validity of the details you are given, consult the State Aviation Authority of the operator.

If an operator cannot furnish the relevant AOC name and number, plus the appropriate paperwork to certify the legality of that flight within Europe, do not offer or arrange the flight.