

A photograph of a white business jet on a tarmac at night. The aircraft is illuminated by ground lights, and its landing gear is visible. The background is dark, suggesting a night sky.

IS MY FLIGHT LEGAL?

*ENSURE THE SAFETY AND
LEGALITY OF THE BUSINESS
AIRCRAFT YOU CHARTER*



If you are chartering an aircraft, make sure it's legal.
There are serious safety and legal implications if it is not.

The Air Operator's Certificate (AOC) & Operating License (OL) Requirement

When you charter an aircraft (in other words, contract air transport service for remuneration or hire), please ensure that 1) the operator you contract is entitled to perform public transport flights, and 2) the contracted flight(s) are, air traffic-wise, 'permitted'. 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.

1. An **Air Operator Certificate ("AOC")** certifies that the operator has fulfilled a comprehensive process by which they've provide assurances to their State's civil aviation authority that they are 'competent to secure the safe operation of aircraft'.

Generally, during this process the applicant's operations manual is reviewed, and audits in such areas as management and organisational competence, crew training, aircraft maintenance, aircraft loading, flight planning and fuel planning are conducted. Furthermore, once an AOC is granted, the operation is subject to a programme of continuing surveillance by the Member State authority, in turn supervised by the European Aviation Safety Agency ("EASA").

2. An **Operating Licence ("OL")** attests primarily to the financial health of the operator, its managerial and organisational competence and legal incorporation, and that its ownership is in compliance with legal requirements, including insurance coverage, in accordance with international regulations.

The issuance and continued validation of a 'European' OL is subject to verification and permanent monitoring by the competent Member State authority, for compliance with EU regulations.

As a broker, how do I find out if the charter operator holds an AOC?

This is quite simple to check: ask for a copy of the operator's valid AOC. If you wish to further verify the details, consult the State civil aviation authority that issued the AOC.

What are Traffic Rights Requirements?

In addition to the AOC legal requirement, an operator must also be entitled to perform the flight they are offering.

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.

As a general rule operators registered outside the EU do not have the same traffic rights for intra EU flights compared to Operators registered in an EU member state. Hence, such operators may not be allowed to undertake flights within any EU Member State or fly from one Member State to another unless they have specific permission granted by the Member State(s) concerned.

Any flight conducted without the operator holding all necessary traffic rights would be deemed illegal.

How can I verify if the charter operator has traffic rights permission to legally perform a specific flight?

Ask the operator if it can provide proof of having obtained an air traffic permit to conduct the flight.

What if the operator is unable to provide a copy of their AOC and/or proof of having retained the proper traffic rights permit?

The flight would be illegal. The operator would be performing illegally.

This means should an incident or accident occur, the insurance coverage (including life insurance) of all passengers on board may be withdrawn or invalidated.

And in the event that the flight is not performed by a duly certified and licensed operator, please also be aware that the flight might be less safe and may be operated to considerably less demanding standards than those for certified public transport flights.

In Conclusion

Though the vast majority of flights - particularly to, within and from the EU - are operated in compliance with legal requirements, there are unscrupulous operators who choose to circumvent the system.

It is therefore in the reputational and business interests of operators and brokers to ensure that all flights advertised and arranged are legally permissible and in compliance with the higher safety standards demanded of AOC holders. Whilst this compliance is 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 loss of insurance coverage.

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

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

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