

## ***In Conclusion***

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

It is very much in your interest as a passenger to avoid participating in illegal charter flights because of the enormous risks concerned.

Whilst compliance for operators is more expensive than non-compliance, any short-term cost advantage passed on to you is more than outweighed by the higher risk of accident or incident and the likely loss of insurance coverage.

## **I'm flying with...**

Operator Name: \_\_\_\_\_

Name of the AOC Holder: \_\_\_\_\_

AOC Number: \_\_\_\_\_

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 and safeguard the legality, safety and integrity of business aviation activities within the region.

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



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# IS MY FLIGHT LEGAL?

*YOUR RIGHTS AS A  
BUSINESS AIRCRAFT  
CHARTER PASSENGER*

Photo courtesy of Skyalliance

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



### What is an Air Operator's Certificate (AOC) ?

It is a legal requirement that Charter flights flown within Europe are done so under an Air Operator's Certificate (AOC). An organisation or individual is required to hold this document prior to operating public transport flights. So if you are paying to be flown in business fixed or rotary wing aircraft, you must be confident that your operator holds an AOC.

There are some exceptions to this requirement. For example, an AOC is not required for:

- Some flights conducted to raise money for charities
- Some flights where the costs are shared between the pilot and up to three passengers
- Some flights where the passengers are joint owners of the aircraft.

### What does holding an AOC 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'.

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.

### 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, your operator must also be entitled to perform your flight.

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 unless they have specific permission granted by the relative Member State.

To conduct such a flight without the correct permissions granted would be illegal.

### How can I verify that my charter operator has traffic rights permission to legally perform my flight?

Ask your operator - or the air charter broker acting on behalf of your operator - if it can provide proof of having obtained an air traffic permit to conduct your flight.

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

**Your flight is illegal.** Your operator is performing illegally.

This means should an incident or accident occur, your insurance coverage (including life insurance) and that of your accompanying passengers may be withdrawn or invalidated.

And in the event 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.

