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The following circular is issued for information, guidance and compliance.

This AIC shall supercede AIC 9/2009 dated 30th October, 2009.

Nasim Zaidi

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Director General of Civil Aviation

**Requirements for grant of Operating Authorisation to Foreign Airlines
under Bilateral Air Services Agreements.**

1. INTRODUCTION

- 1.1 The bilateral Air Services Agreements between India and the foreign countries provide that each Party shall have the right to designate an airline or airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designations. Such designations shall be made in writing and transmitted to the other Party through diplomatic channels and shall identify whether the airline is authorised to conduct the type of air services sought to be operated.
- 1.2 These Agreements further provide that upon receipt of such designation and application from the designated airline(s) of a foreign country in the form and manner prescribed for the purpose, the aeronautical authority of India (Director General of Civil Aviation) shall grant the appropriate operating authorisation provided that:
- (a) substantial ownership and effective control of that airline are vested in the Party designating the airline or its nationals;
 - (b) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to operation of international air services; and

- (c) the Party designating the airline is maintaining and administering the standards with regard to safety and aviation security set forth in the bilateral Air Services Agreement.

1.3 In order to ensure that the provisions of the respective bilateral Air Services Agreement are complied with by the airline designated for the purpose of operation of scheduled international air services to/from India, the following requirements are laid down.

2. DESIGNATION OF AIRLINE

The airline shall be designated by the Government of the country of the airline in accordance with the bilateral Air Services Agreement concluded between the Government of that country and the Government of India. The designation shall be made through diplomatic channels, clearly mentioning the relevant provision of the Air Services Agreement and/or the Memorandum of Understanding under which the designation is made.

3. APPLICATION FOR OPERATING AUTHORISATION

3.1 After an airline has been designated in accordance with paragraph 2, it shall make an application for grant of operating authorisation. The application shall be made by the Chief Executive Officer of the airline to the Director General of Civil Aviation (Attn. Director of Regulations and Information) at least 90 days prior to the proposed date of commencement of the air services.

3.2 The application shall contain the information as mentioned in **Appendix 'A'**.

3.3 The application shall also be accompanied by the documents listed in **Appendix 'B'**.

3.4 The airline may be required to furnish any additional information or documents, as considered necessary and appropriate.

4. GRANT OF OPERATING AUTHORISATION

4.1 In order to ascertain that the application and the accompanying documents furnished by the airline are accurate and complete in all respects, an assessment shall be made by a committee consisting of representatives from the Directorate of Regulations and Information, Directorate of Airworthiness, Directorate of Air Safety, Directorate of Flight Standards and the Bureau of Civil Aviation Security. The Committee shall also take into consideration the latest report of ICAO USOAP of the country concerned. This process shall be coordinated by the Director of Regulations and Information who shall act as the nodal officer. The airline may be issued the operating authorisation only when it is established that it has satisfactorily met all the requirements laid down for the purpose.

- 4.2 While granting the operating authorisation, the Director General of Civil Aviation may impose certain conditions and limitations, as deemed fit, so as to ensure compliance with the Indian laws, regulations and procedures relating to the operation and navigation of aircraft.
- 4.3 The validity of the operating authorisation shall be for a period not exceeding five years.
- 4.4 During the currency of the operating authorisation, the DGCA may require the designated airline to furnish any information in support of the particulars / documents provided by the airline under paragraph 3 and any other relevant information so as to satisfy itself that the airline continues to meet all the conditions and also the requirements on the fulfillment of which the operating authorisation was granted
- 4.5 The DGCA shall have the right to carry out inspection as provided in Article 16 of the Chicago Convention and the relevant provisions of the bilateral Air Services Agreement, and may take action, as deemed fit.

Note. – The DGCA (India) has issued AIC 5/2009 dated 29th May, 2009 laying down the procedure for carrying out surveillance of operations by a foreign operator.

5. REVOCATION/SUSPENSION OF OPERATING AUTHORISATION

- 5.1 The operating authorisation granted to an airline may be revoked or suspended or certain additional conditions or limitations may be imposed in any case where:
- (a) the substantial ownership and effective control of the designated airline are not vested in the Government of the country designating the airline or its national;
 - (b) the designated airline has failed to comply with the Indian laws and regulations; and
 - (c) the standards in relation to safety or aviation security are not being properly maintained and administered by the country of the airline.
- 5.2 Unless immediate action is essential to prevent further non-compliance, the operating authorisation shall be revoked or suspended only after consultations with the Government which has designated the airline.

6. RENEWAL OF OPERATING AUTHORISATION

For renewal of the operating authorisation, the designated airline shall make an application at least 90 days prior to the date of expiry, giving all the documents / information required under paragraph 3, except a copy of the letter of designation and approval of the Security Programme of the airline.

7. CODE-SHARE FLIGHTS

Certain bilateral Air Services Agreements provide for operation of code-share flights by entering into cooperative marketing arrangements with the airline(s) of the same Party, airline(s) of the other Party or airline(s) of a third country. In such cases, one of the designated airlines performs the agreed services as the operating airline while other airlines(s) operate as marketing airline(s). Both the operating as well as the marketing airline(s) are required to obtain the operating authorisation under the respective Air Services Agreements and for this purpose furnish the requisite information / documents. However, the marketing airlines(s) shall not be required to submit the documents/information with regard to the Operations Manual, details of the fleet of aircraft and approval of the Security Programme.

8. COORDINATION OF SLOTS

The designated airline shall coordinate the allocation of slots with the slot coordinator and prepare the flight schedule in the prescribed proforma in accordance with the approved slots.

9. FILING OF SCHEDULE

9.1 After the grant of the operating authorisation and the slot clearance, the designated airline shall file the proposed flight schedule with the Directorate of Regulations and Information in the DGCA for approval. The schedule shall be filed at least 30 days prior to the commencement of the proposed air services, and shall contain information relating to the type of service and its frequency, the type of aircraft to be used and the flight timings. The flights shall be operated only after the schedule has been approved.

9.2 The proposed flight schedule shall be filed only after the operating authorisation has been granted. Any schedule filed before the grant of the operating authorisation shall not be entertained.

10. COMPLIANCE WITH BILATERAL AIR SERVICES AGREEMENT

Notwithstanding the provisions contained in the preceding paragraphs, the designated airline(s) shall at all times ensure and demonstrate continued compliance with the conditions of the operating authorisation and the provisions of the respective bilateral Air Services Agreement.

11. Coming into Force

This AIC shall come into force with effect from 01st January, 2011

Appendix 'A'

Details of the information to be provided alongwith the application for grant of Operation Authorisation

- i) Legal name of the airline as well as the business name, if any, under which operations are proposed to be undertaken;
- ii) Names and nationalities of the Board of Directors of the airline;
- iii) Postal address (including Telephone No., Fax No. and e-mail Id) of the airline's Headquarters;
- iv) The title and postal address (including Telephone No., Fax No. and e-mail Id) of the airworthiness, licensing and accident investigation authorities in respect of the airline;
- v) The details of fleet of aircraft along with their registration particulars, indicating whether owned by the airline or taken on lease;

Note. – In case of operations with leased aircraft, the requirements contained in AIC 5/2008 shall be complied with.

- vi) The details of the accidents/incidents during the last five years;
 - vii) The details of the arrangements made for maintenance of aircraft while in India; and
 - viii) The details of the arrangements made for provision of ground handling services at the destination / alternate airports in India.
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Appendix 'B'

**List of the documents to be provided alongwith the application
for grant of Operating Authorisation**

- i) A copy of the letter of designation duly accepted by the Government of India;
- ii) A copy of the instrument relating to incorporation of the airline, including the details about equity participation;
- iii) A copy of the valid Air Operator Certificate or equivalent document alongwith the Operations Specifications, authorizing the airline to operate scheduled international air services, issued by the country designating the airline;
- iv) A copy of the Operations Manual of the airline alongwith the approval granted by the competent authority;
- v) A copy of the approval granted by the Bureau of Civil Aviation Security (India) to the Security Programme of the airline;

Note. – A detailed Security Programme shall be prepared in accordance with the provisions contained in Annex 17 to the Convention on International Civil Aviation, the ICAO Security Manual (Doc. 8973) and instructions issued by the BCAS and filed with the Commissioner of Security (Civil Aviation), Janpath Bhawan, 'A' Wing, 3rd Floor, Janpath, New Delhi for approval.

- vi) An undertaking by the Chief Executive Officer of the airline to the effect that Indian laws, rules, regulations and requirements shall be complied with by the designated airline; and
- vii) A certificate by the Chief Executive Officer to the effect that local representative(s) of the airline is/are conversant with the Indian laws and regulations;

Note. – The certificate shall be accompanied by the attested signature of the airline's representative(s) in India who are authorised to represent the airline before the aeronautical authorities of India.
