

GIBRALTAR

DIRECTOR OF CIVIL AVIATION

POLICY – 06

**OPERATING AUTHORISATION
PERMITS**

DCA Policy 06 – Operating Authorisation Permits

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Amendment Record

	Item	Date
1	Initial Issue	16 February 2009
2	Revision	12 November 2015

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Purpose of this document

1. The purpose of this document is to set out the policy detailing the issue of operating authorisation permits to foreign registered aircraft wishing to operate to or from Gibraltar in exchange for valuable consideration in respect of the carriage of persons or cargo.

Background

2. The Gibraltar legal requirements for the carriage of passengers or cargo for valuable consideration are stated in Regulation 91 of the Civil Aviation (Air Navigation) Regulations 2009. This Regulation classifies aircraft into three different categories dependent on their State of Registration:

- a. Aircraft exercising traffic rights permitted by virtue of Regulation (EC) No. 1008/2008 of the European Parliament.
- b. Aircraft from countries where there is in place an agreement between Her Majesty's Government in the United Kingdom and the government of the country in which the aircraft is registered, which her Majesty's Government has extended to apply to Gibraltar.
- c. Aircraft from all other countries.

3. In respect of the aircraft referred to in Para 2b, Her Majesty's Government of the United Kingdom has delegated to the Director of Civil Aviation the powers conferred on it under such an agreement for ad-hoc flights and series of flights.

4. Gibraltar does not have any Community Air Carriers based on its territory and thus there is no requirement to seek objections to requests for 5th and 7th Freedom flights to or from Gibraltar.

Policy

5. In accordance with the Regulations contained within Regulation (EC) No. 1008/2008 of the European Parliament, operating authorisation permits are not required for aircraft registered in the European Economic Area (European Union Countries, Iceland, Norway and Switzerland).

6. Aircraft registered in countries outside of the European Economic Area will be issued operating authorisation permits by the Director of Civil Aviation once they have satisfied the requirements set out in **DCA Procedure 06**. It is a condition of the permit that the aircraft should be operated in accordance with the international safety standards established by ICAO.

7. In cases in which the Director of Civil Aviation can issue permits to fly, the application requirements for 3rd, 4th, 5th and 7th Freedom Flights are identical.

8. If doubts exist about whether an aircraft or airline complies with the international safety standards, the aircraft will be inspected by the Director of Civil Aviation or his representatives. Permits may be refused, and existing permits suspended or revoked by the Director of Civil Aviation. This may occur where there is a breach of a permit condition, which would include non-compliance with international safety standards; however action can

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also be taken for reasons other than safety. Permit decisions will be reviewed in the light of new information or changed circumstances.

9. Decisions to refuse permits on safety grounds are now coordinated by the European Commission under EC Regulation 2111/2005. A list of airlines which are subject to community wide restrictions can be found on the Commission's website:

www.ec.europa.eu/transport/air-ban/list_en.htm