

## **Requirements for grant of Operating Authorization to Foreign Airlines under Bilateral Air Services Agreements and their scheduled operations to/from India.**

### **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 authorized 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 (Directorate General of Civil Aviation) shall grant the appropriate operating authorization 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. REGISTRATION ON E-GOVERNANCE OF CIVIL AVIATION PORTAL AND CREATION OF LOGIN CREDENTIALS**

3.1 An airline shall register itself on E-Governance of Civil Aviation portal (portal) for submission of its application(s) to operate scheduled air services to/from/over India, by creating unique login ID and password (Login Credentials) and providing following details and documents:

- a) Legal name of the airline and authenticated copy of its Incorporation certificate or equivalent document as per their applicable national laws;
- b) Details and copy of Airline's valid Air Operator Certificate issued by the Aeronautical Authority responsible for safety oversight of the airline;
- c) Registered and foreign correspondence address of the airline along with authenticated copy of airline's Article of Association (AoA) or equivalent, as per applicable national laws, containing the details of the address and the provisions specifying the management structure as well of the airline;

- d) Particulars viz. name, valid contact number, valid email etc., of airline's Chief Executive Officer (CEO) or equivalent along with authenticated copy of the document in support of his/her appointment in such capacity as per airline's by laws or AOA, as the case may be;
- e) Particulars viz. name, address, valid contact number, valid email etc., of the person (Country Head or equivalent) responsible for all matters of airline in India and authenticated copy of Power of Attorney (PoA) or equivalent issued in favour of such person by the airline;
- f) Particulars viz. name, address, valid contact number, valid email etc., of the Local Representative appointed or authorized by the airline to represent it before Directorate General of Civil Aviation (DGCA) and copy of certification / undertaking from CEO or equivalent of the airline to the effect that Local Representative so appointed or authorised by the airline is well conversant with the Indian laws and regulations; and

Note. - The certificate / undertaking shall be accompanied by the attested signature of the Airline's Local Representative in India who is authorized to represent the airline before the aeronautical authorities of India.

- g) An undertaking by the Chief Executive Officer or equivalent of the airline to the effect that Indian laws, rules and regulations shall be complied with by the airline.

3.2 The registration of the airline on portal shall become completed upon activation of the login credentials and thereafter the airline may create three (3) sub-user IDs, and out of these three (3) sub-user IDs, one (1) sub-user ID shall be assigned to the Local Representative of the airline for handling/monitoring/supervising of all operational matters of the airline.

3.3 The login credentials of the airline on eGCA portal may be activated only when it is established that:

- a) Details filled and documents uploaded on the portal are satisfactory and complete in all aspects; and
- b) Local representative demonstrates knowledge, experience and competency to discharge his responsibility/function before a committee comprising of representatives from the Flight Standards Directorate, Directorate of Airworthiness and Air Transport Agreement and Regulation Division, under the chairmanship of Joint Director General concerned.

3.4 Airline shall nominate or appoint a Local Representative to represent it before Directorate General of Civil Aviation for all operational matters, passenger grievances etc.

3.5 The Local Representative nominated or appointed by the airline shall be:

- (a) either (i) an individual who is an Indian national and a resident of India, or (ii) a legal entity duly incorporated or registered in India; and
- (b) Well conversant with applicable Indian laws, rules, regulations and basic operational aspect of civil aviation, and familiar with those of the designating country of the airline.

Note: In case the local representative is a legal entity, the airline shall ensure that such entity shall nominate its employee or director/owner who is an Indian national and resident in India.

3.6 The Local Representative nominated or appointed by the airline shall be responsible for:

- (a) maintaining records of all operational matters such as approvals, amendments, cancellations etc., and shall provide such records to DGCA, on demand;
- (b) prompt response to DGCA notices, queries, and communication(s) and report to the CEO or the country head of the airline for effective and efficient coordination;
- (c) ensuring that all details and documents uploaded on the portal are latest and updated at all times;
- (d) compliance with all directions, instructions, and advisories issued by DGCA from time to time; and
- (e) reporting of any occurrence affecting operation of a flight(s) to DGCA at the first available opportunity, and not later than four hour from the period/time of occurrence, followed by submission of a detailed report within a period of two working days of the occurrence.

3.7 The airline shall be responsible for all acts or omissions done by the local representative in discharge of its responsibilities assigned by the airline or specified herein, and shall immediately replace the Local Representative, if at any point of time, the airline or DGCA observe frequent lapses in functioning or discharging responsibilities of local representative.

3.8 In the event of resignation or termination of the existing Local representative, the airline shall nominate or appoint a new Local Representative within a period of fifteen (15) days by updating requisite details/particulars on the portal for acceptance. However, during the interim period, the outgoing Local Representative shall continue to discharge its responsibilities until the acceptance of nomination or appointment of new Local Representative by DGCA.

3.9 In unavoidable circumstance such as death or prolonged incapacitation of Local Representative, the airline shall furnish the particulars of an interim Local Representative within a period of seven (7) days from the occurrence of such event, and nominate or appoint a new Local Representative and update his/her particulars on the portal within a period of three (3) months.

3.10 Airline shall immediately notify to DGCA and update on the portal of any change in the details of Legal Name or Address (Correspondence/Registered) or AOC of the airline, or particulars of Chief Executive Officer, Country Head or Local Representative within a period of fifteen (15) days of such change.

3.11 Airline is solely responsible for maintaining the confidentiality of its login credentials and for all activities that occur under its account(s).

3.12 Airline must immediately, through its CEO's email registered on portal, report to DGCA of any suspected unauthorized access or security breach of its account(s).

## **4 APPLICATION FOR OPERATING AUTHORISATION**

4.1 After an airline has been designated in accordance with paragraph 2 and completion of its registration on portal, it shall submit an application for grant of Operating Authorization least 90 days prior to the proposed date of commencement of the air services.

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

4.3 The documents listed in **Appendix 'B'** shall also be uploaded with the application.

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

## **5 GRANT OF OPERATING AUTHORISATION**

5.1 In order to ascertain that the application and the accompanying documents uploaded by the airline are satisfactory and complete in all respects, an assessment shall be made by a committee consisting of representatives from the Air Transport Agreement and Regulation Division, Directorate of Airworthiness, Directorate of Air Safety and Flight Standards Directorate, under the chairmanship of Joint Director General concerned. 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 Air Transport Agreement and Regulation Division who shall act as the nodal officer. The airline may be issued the operating authorization only when it is established that it has satisfactorily met all the requirements laid down for the purpose.

5.2 While granting the Operating Authorization, 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.

5.3 The validity of the operating authorization shall be for a period not exceeding five (5) years.

5.4 During the currency of the operating authorization, the DGCA may require the designated airline to furnish any information in support of the particulars/documents provided by the airline under paragraph 4 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 authorization was granted.

5.5 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 29<sup>th</sup> May, 2009 laying down the procedure for carrying out surveillance of operations by a foreign operator.

## **6 REVOCATION/SUSPENSION OF OPERATING AUTHORISATION**

6.1 The operating authorization 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.

6.2 Unless immediate action is essential to prevent further non-compliance, the operating authorization shall be revoked or suspended only after consultations with the Government which has designated the airline.

6.3 During the currency of the Operating Authorization, if the designated airline fails to operate scheduled air services to/from a particular airport(s) in India for four (4) consecutive IATA traffic seasons, the Operating Authorisation granted to the airline for that specific airport(s) shall be deemed to be suspended with immediate effect. The designated airline shall submit the application for deletion of such airport(s) from its Operating Authorisation failing which the Operating Authorisation granted to it may be revoked or suspended.

## **7. AMENDMENT IN OPERATING AUTHORISATION**

7.1 In event of any change in the details filled in or documents uploaded on the portal at the time of grant of the operating authorisation, the airline shall immediately inform and submit an application for amendment in the Operating Authorisation.

7.2 The designated airline, at any point of time during validity of Operating Authorisation, may submit the application for inclusion of airport(s), available in the route schedule agreed under the Air Services Agreement or MOU signed between India and the country designating the airline, in its Operating Authorisation. DGCA may approve inclusion of such airport(s) in the Operating Authorisation when it is established that the arrangements for maintenance of aircraft and ground handling services at such airport(s) made by the airline are satisfactory and the name of the airport(s) has been included in the approval granted by BCAS to the security program of the airline.

7.3 The designated airline operating or intending to operate to/from India shall submit the details of their aircraft(s) operating or proposed to be operated to/from India on the portal and update the same from time to time.

## **8 RENEWAL OF OPERATING AUTHORISATION**

For renewal of the Operating Authorization, the designated airline shall submit an application at least 90 days prior to the date of expiry, giving all the documents/information required under paragraph 4.

## **9 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 and 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, approval of the Security Programme, details of arrangement of Ground Handling Service, details of arrangement of Maintenance of aircraft in India and details of accident/incident occurred during five (5) years.

The airline may be issued the Operating Authorisation for codeshare operations as marketing airline only when it is established that it has satisfactorily met all the requirements laid down for the same.

## **10 COORDINATION OF SLOTS**

The designated airline shall coordinate the allocation of slots with the slot coordinator of the respective airport and Airport Authority of India, and prepare the flight in accordance with the approved slots.

## **11 FILING OF SCHEDULE**

11.1 After the grant of the operating authorization and the slot clearance, the designated airline shall file the proposed flight schedule to the Directorate General of Civil Aviation 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, frequency, the type of aircraft to be used, and flight timings etc.

11.2 The proposed flight schedule shall be filed only to/from the airport(s) for which Operating Authorisation has been granted and for an IATA traffic season or validity of Operating Authorisation, whichever is earlier. No operations shall be undertaken prior to obtaining such approval.

Note: The designated airline already having valid Operating Authorisation without airport(s) name may continue to file their schedules to/from the airports they are operating at present until renewal of their existing Operating Authorisation.

11.3 If a designated airline, having an approved schedule for an IATA traffic season, intends to commence scheduled air services to/from a new airport(s), it may file the proposed supplementary schedule at least 30 days prior to the commencement of such flight(s) after inclusion of such airport(s) in its Operating Authorisation.

11.4 The designating airline may submit an application for additional flight(s) to/from an airport(s) for approval and DGCA may approve the same on being satisfied that:

- a) the designated airline is operating scheduled flight(s) to/from such airport(s) in the said IATA traffic season;
- b) the designated airline has filed the application for the additional flight(s) at least seven (7) working days prior to the proposed date of operation; and
- c) the proposed additional flight(s) is within the traffic rights (capacity entitlements) available under the bilateral Air Services Agreement and as per the slots cleared by the airport operator.

11.5 The designated airline while filing its application for approval of schedule/additional flight(s)/supplementary schedule or revisions therein, shall comply with AIC 02/2017– Guidelines on Avoiding Confusing/Similar Call-Signs by Airline Operators, as amended from time to time.

## **12 AMENDMENT IN APPROVED SCHEDULE/SUPPLEMENTARY SCHEDULE/ ADDITIONAL FLIGHT**

12.1 The designated airline shall operate scheduled flights to/from India in accordance with the approved schedule.

12.2 The application for revision in the approved schedule/flight(s) shall be filed at least three (3) working days prior to the date of operation of such flight(s). The application for revision filed with less than three (3) working days shall be summarily rejected.

12.3 Notwithstanding anything contained under para 12.2 the designated airline may not require prior approval of Directorate General of Civil Aviation where an approved flight is delayed from its original scheduled time due to the circumstances beyond the control of the airline and is being operated within a period of 48 hours suffixing 'D' to the call sign. However, in case of more than 48 hour delay, the approval shall be obtained from the Directorate General of Civil Aviation for operation on revised timings.

12.4 Directorate General of Civil Aviation may consider the request for revision in the approved flight(s) on shorter notice subject to submission of detailed reason along with supporting documentary evidence, where the revision is necessitated due to unforeseen circumstances which are beyond the control of airline such as:

- a) diversion in the approved flight route due to an in-flight emergency, adverse weather conditions and sudden en-route airspace closure;
- b) revision in approved flight due to Aircraft on Ground (AOG) situations; or
- c) any other operational exigency causing inconvenience to passengers and not directly or indirectly attributed to the planning of operations by the airline.

12.5 An approved flight(s) may be operated with changed route, timings, flight number, without seeking prior approval of Directorate General of Civil Aviation where such change is necessitated due to the circumstances mentioned under para 12.4 occurred beyond office hours or on holidays subject to the following condition(s):

- (i) prior intimation in writing to Directorate General of Civil Aviation is given;
- (ii) requisite permission(s), if any, from the airport of departure, destination and transit, as the case may be, have been obtained; and
- (iii) necessary updates are made on the portal, and Directorate General of Civil Aviation is informed in writing at the earliest opportunity not later than the next working day, clearly stating the circumstances necessitating such revision in the approved flight details.

12.6 The designated airline may not require prior approval of DGCA to operate relief flight or approved flight with change of aircraft due to occurrence of AOG situation of approved aircraft beyond office hours or on holidays, subject to compliance with the following conditions.

- i) prior intimation in writing to Directorate General of Civil Aviation for operation of relief /ferry flight or operation with change of aircraft;
- ii) an undertaking confirming that relief flight or operation with change of aircraft, as the case may be, is for the purpose of uplifting stranded passengers of the AOG aircraft;
- iii) No additional traffic right is exercised in excess to the traffic rights being utilized with the operation of AOG aircraft; and
- iv) passenger manifest shall be submitted to DGCA within twenty-four (24) hours or by the next working day, whichever is earlier.

12.7 For operation of flight(s) under the circumstances referred to in Para 12.5 and 12.6, the Air Traffic Control (ATC) of the concerned airport is hereby authorised to permit such flight(s), provided that the designated airline shall coordinate in advance with the concerned ATC unit, before departure/arrival.

### **13 CANCELLATION IN APPROVED SCHEDULE/SUPPLEMENTARY SCHEDULE/ ADDITIONAL FLIGHT**

In case the airline is unable to operate an approved schedule flight(s), the designated airline shall file a request for cancellation of such flight(s) on the portal within seventy-two (72) hours of the scheduled time of operation.

### **14 COMPLIANCE WITH BILATERAL AIR SERVICES AGREEMENT AND OTHER CONDITIONS**

14.1 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 authorization, the provisions of the respective applicable bilateral Air Services Agreement, the approved schedule/flight(s), and continued availability of Local Representative.

14.2 Airline shall submit its response to the shortfall raised at the earliest, not later than 90 days, failing which the application shall be rejected automatically.

### **15 PASSENGER GRIEVANCE REDRESSAL MECHANISM (PGRM)**

15.1 The airline shall be responsible for establishing and maintaining an effective Passenger Grievance Redressal Mechanism (PGRM) and shall ensure that all passenger complaints, disputes, or operational discrepancies are addressed promptly, fairly, and transparently.

15.2 The Local Representative nominated or appointed by the airline shall act as the sole point of contact for the DGCA for matters pertaining to passenger grievances.

15.3 The designated airline shall ensure that a grievance register is maintained, capturing all complaints, their status, and resolution timelines. Periodic reports from the register shall be submitted to the DGCA, on demand.

### **16 Coming into Force**

This AIC shall come into force with effect from the date of issue.

**Details of the information to be provided along-with the application for grant of Operating 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, along with undertaking of CEO or equivalent;

vii) The complete 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.

**List of the Documents to be Provided Along with the Application for Grant of Operating Authorization**

- (i) A copy of the letter of designation duly accepted by the Government of India;
- (ii) A copy of the instrument relating to the incorporation of the airline, including the details about equity participation;
- (iii) Copy of supporting document(s) with respect to the appointment of Board of Director(s) of the airline, along with their proof of Nationality;
- (iv) A copy of the valid Air Operator Certificate or equivalent document alongwith the Operation Specifications authorizing the airline to operate scheduled international air services, issued by the country designating the airline;
- (v) Copies of certificate of registration, certificate of airworthiness, etc, of fleet of aircraft;
- (vi) A Copy of updated Operations Manual of the airline, along-with current approval granted by the competent authority;
- (vii) 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 Bureau of Civil Aviation Security (India) for approval.*

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

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