

Circular Notice "Safety Review for Permission for International Air Transport Services by Foreign Nationals and Surveillance Activities for Foreign Air Carriers, etc."

Chapter I. General Provisions

1. Purpose

This Circular Notice aims to establish Safety Reviews for Permission for International Air Transport Services by Foreign Nationals under the provisions of Article 129 paragraph (1) of the Civil Aeronautics Act (Act No. 231 of 1952, hereinafter referred to as "the Act"), a Change of Operation plan under the provisions of Article 129-3 paragraph (2) of the Act, Transport of Passengers and Cargos Departing from or Arriving in Japan under the provisions of Article 130-2 of the Act and Surveillance Activities for safety operations by Foreign International Air Carriers etc.

Notwithstanding the above, the transport of only individual(s) or executive officer(s) (with their escorts) of any corporation to/ from Japan with the purpose of their business is not applicable to this Circular Notice.

2. Method of Examination

When carrying out the examination in accordance with this Circular Notice, if part of the Circular Notice is not applied and if examination by other methods is recognized to be suitable, the examination may be conducted by other equivalent methods within the scope that problems do not occur in ensuring the safety of the transport.

Chapter II. Safety Review for permission for International Air Transport Services by Foreign Nationals and Transport of Passengers and Cargo Departing from or Arriving in Japan

1. The provisions concerning about International Air Transport Services by Foreign Nationals under the provision of Article 129 of the Act

1.1 Submission of Documents

(1) Matters to be described under the provisions of Article 129 paragraph (2) of the Act shall be the following:

(Unofficial Translation)

i) The items described under the Article 232 paragraph (1) of the Ordinance for Enforcement of the Civil Aeronautics Act (Ordinance of the Ministry of Transport No. 56 of July 31, 1952, hereinafter referred to as “the Ordinance”)

1) Name, address and nationality

2) Names and locations of principal offices and other places of business premises in Japan

3) Purpose of operating said international air transport service and the proposed commencement date of operation

A) Classification of transport for Passenger or Cargo

B) Proposed commencement date of operation

4) Outline of air transport services, if any, being managed by the applicant at the time of application.

A) Aircraft type using the air transport services

B) A number of each type of aircraft fleet

5) Operation plan

A) Origin, intermediate stops, destination and airports to be used along the routes.

Origin airport, intermediate stop airports, destination airport to be used for each route of operation.

B) Total number of aircrafts to be used, nationality, type, and registration marks of each aircraft.

a) Total number of aircrafts to be used

b) Nationality, type and registration mark in Certificate of Registration issued by the foreign state where has registered of aircrafts to be used (hereinafter referred to as “the state of registry”), with respect to each aircraft.

C) Outline of facilities for maintenance of aircraft

Names and locations of the facilities for maintenance of each type of aircraft

D) Outline of facilities for operation control

Locations of the main facilities for operation control

ii) The items described under the Article 232 paragraph (2) of the Ordinance

- 1) Documents that prove having a permission of the air transport service on the concerned route from the foreign state where applicant has nationality (hereinafter referred to as “the state of operator”).
 - A) A copy of Air Operator Certificate issued by the authorities with responsibility for the safety aviation (hereinafter referred to as “the aviation safety authorities”)
 - B) Copies of Operations Specifications (Operations Specifications defined with the Appendix 6 Section 3 of the Annex 6 part I to the Convention on International Civil Aviation (hereinafter referred to as “the Convention”) or similar equivalent documents) issued by the aviation safety authorities, the state of operator.
- (2) Application documents which may be required in addition to those prescribed in the preceding paragraph under the provisions of Article 129 paragraph (3) of the Act shall be the following:
 - i) Matters relating to the aircraft
 - 1) Copies of the documents regarded as aircraft registration certificates in Article 6 of the Act under the provisions of Article 235 paragraph (1) of the Ordinance
 - 2) Copies of the documents concerning airworthiness, noise and engine emissions of an aircraft certified by a foreign state, regarded as an Airworthiness certificate under the provisions of Article 10 paragraph (7) of the Act under the provisions of Article 235 paragraph (2) of the Ordinance. In addition, a Copy of the agreement if an agreement under Article 83-2 of the Convention exists between the state of registry and the state of operator.
 - 3) The documents showing the installation status recognized as requiring particular confirmation by the Director of Flight Standards Division, the Director of the Airworthiness Division or the Director of the Air Transport Safety Unit of the Aviation Safety and Security Department ,in the equipment listed in each paragraph of Article 147 of the Ordinance, in ensuring the safety operations of aircraft to be used,
 - 4) Documents showing maintenance facilities defined in paragraph (1) i) 5) C), which are approved to perform the maintenance of the aircraft by the aviation safety authorities of the state of operator.
 - 5) Documents showing operation control facilities defined in paragraph (1) i) 5) D), which are approved to control the operation of the aircraft by the aviation safety authorities of the state of operator.
 - ii) Matters relating to members of the flight crew

1) Copies of documents regarded as competence certificates under Article 23 of the Act, aviation medical certificates under Article 31 paragraph (2) of the Act, or aviation English proficiency certification under Article 33 paragraph (1) of the Act under the provisions of Article 235 paragraph (1) of the Ordinance. In addition, a copy of the agreement if an agreement under Article 83-2 of the Convention exists between the state of registry and a state other than the state of registry.

2) Outline of facilities for flight crew training

A) Names and locations of the facilities of flight crew training for the aircraft to be used

B) Documents which show that the facilities of flight crew training where the flight crew training is performed named in the previous paragraph A) are approved by the aviation safety authorities of the state of operator.

iii) Documents which an applicant may be requested to submit to maintain transportation safety and to confirm whether they comply with safety standards, other than those listed in each of the preceding items.

1.2 Criteria for review

1.2.1 The Japan Civil Aviation Bureau (hereinafter referred to as “JCAB”) shall check that the contents of the application and attached documents meet the provisions of the Act. In the case that JCAB decides to confirm the contents of application documents to the aviation safety authorities of the state of the operator or the state of registry in the review, JCAB shall request safety information to the aviation safety authorities.

(1) Documents submitted under the provisions of Article 129 paragraph (2) of the Act

i) Matters relating to the provisions of Article 232 paragraph (1) of the Ordinance

1) The contents related to paragraph 1.1 (1) i) 3) shall be within the scope of Air Operator Certificate and Operations Specifications

2) The contents related to paragraph 1.1 (1) i) 5) A) shall be within the scope of Air Operator Certificate and Operations Specifications. If these are not possible to determine by the contents described in Air Operator Certificate or Operations Specifications, they shall be within the scope of other documents issued or approved by the state of the operator.

3) JCAB shall confirm that maintenance of the aircraft and operation control performed in the facilities, related to paragraph 1.1 (1) i) 5) C) and D), are approved by the aviation safety authorities of the state of the operator in paragraph 1.1 (2) i) 4) and 5).

ii) Matters relating to the provisions of Article 232 paragraph (2) of the Ordinance

- 1) The state and institutions issuing Air Operator Certificate and Operations Specifications described in said paragraph 1.1 (1) ii) 1) shall be the state of the operator and the aviation safety authorities of the state of the operator. In addition, the number of Air Operator Certificates described in Operations Specifications shall correspond to the number of Air Operator Certificates.
- 2) The state issuing the Air Operator Certificate described in paragraph 1.1 (1) ii) 1) shall not raise Significant Safety Concern(s) (hereinafter referred to as “SSC(s)”) about aircraft operations by the International Civil Aviation Organization (hereinafter referred to as “the ICAO”)

(2) Documents submitted under the provisions of Article 129 paragraph (3) of the Act

i) Matters relating to the aircraft

- 1) The state and institution issuing an aircraft registration certificate related to paragraph 1.1 (2) i) 1), shall be the state of registry and the aviation safety authorities of the state of registry.
- 2) The state issuing an aircraft registration certificate related to paragraph 1.1 (2) i) 1), shall not raise SSC(s) regarding the aircraft registration by the ICAO.
- 3) The state and institution issuing an aircraft airworthiness certificate (hereinafter referred to as “the state of airworthiness certification”) described in said paragraph 1.1 (2) i) 2) shall be those made or issued by the foreign state (if an agreement under Article 83-2 of the Convention exists between any foreign state of which the aircraft concerned has nationality and any other foreign state in which the user of the aircraft concerned has its address, it shall be limited to the foreign state designated to issue certification for the aircraft concerned, license or take any other action) and the aviation safety authorities of the state of registry.
- 4) The state of airworthiness certification described in paragraph 1.1 (2) i) 2) shall not raise SSC(s) on the airworthiness, noise and engine emissions of aircrafts by the ICAO.
- 5) In paragraph 1.1 (2) i) 2), registration mark and type listed on the airworthiness certificate of the aircraft to be used shall correspond to those of the aircraft certificate. If an expiration date is displayed, it shall be within the validity period at the instant of filing the applications.
- 6) In paragraph 1.1 (2) i) 2), the contents listed on the noise certificate of the aircraft to be used shall comply with criteria described in Annex 16 Volume 1 of the Convention.

7) In the above paragraph 1.1 (2) i) 2), the contents listed on the engine emissions certificate of the aircraft to be used shall comply with criteria described in Annex 16 Volume 2 of the Convention.

8) Equipment of the aircraft to be used described in paragraph 1.1 (2) i) 3) shall be installed.

ii) Matters relating to members of the flight crew

1) The state and institution issuing the documents regarded as Competence Certificates, Aviation Medical Certificates or Aviation English Proficiency Certification described in paragraph 1.1 (2) ii) 1) (hereinafter referred to as “the state of competence certification”) shall be those made or issued by the foreign state (if an agreement under Article 83-2 of the Convention exists between any foreign state of which the aircraft concerned has nationality and any other foreign state in which the user of the aircraft concerned has its address, it is limited to the foreign state designated to issue certification for the aircraft concerned, license and take any other action) and the aviation safety authorities of the state of registry.

2) The state of competence certification described in paragraph 1.1 (2) ii) 2) shall not raise SSC(s) as to the members of the flight crew by the ICAO.

3) The documents regarded as Competence Certificates, Aviation Medical Certificates or Aviation English Proficiency Certification described in paragraph 1.1 (2) ii) 1) shall be valid. If an expiration date is displayed, it shall be within the validity period at the instant of filing the applications.

4) Facilities of flight crew training where the flight crew training described in paragraph 1.1 (2) ii) 2) is performed shall be approved by the aviation safety authorities of the state of operator.

iii) Others

The contents described in paragraph 1.1 (2) iii) shall be complied with the criteria of safety standards.

1.2.2 If the applicants have caused an accident or a serious incident (hereinafter referred to as “accidents, etc.”) within a year of the application date, JCAB shall ask them to provide information on their safety operations with respect to the aviation safety authorities of countries concerned, depending on the situation.

2. Provisions regarding approval when intending to alter operation plans under the provisions of Article 129-3 paragraph (2) of the Act.

(Unofficial Translation)

2.1 Submission of Documents

(1) Any person who intends to obtain approval under the provisions of Article 233-2 of the Ordinance shall submit an application describing the following matters.

- i) Name, address and nationality
- ii) Items to be changed (indicating difference between the current and the proposed).
- iii) Proposed effective date
- iv) Reason for change

(2) Applications which may be required in addition to those prescribed in the preceding paragraph under the provisions of Article 134 paragraph (1) of the Act shall be described in paragraph 1.1 (1) ii) and paragraph 1.1 (2).

2.2 Criteria for review

Criteria for review shall apply mutatis mutandis to the corresponding items of the provisions of paragraph 1.2.

3. Provisions concerning permission for Transport of Passengers and Cargo Departing from or Arriving in Japan under the provisions of Article 130-2 of the Act

3.1 Submission of Documents

(1) Any person who intends to obtain permission under the provisions of Article 234-2 of the Ordinance shall submit an application describing the following matters.

- i) Name, address and nationality
- ii) Nationality, type and registration marks of aircraft
Same as the provisions of paragraph 1.1 (1) i) B) b)
- iii) Name and qualifications of pilot-in- command and flight crew
Name and qualifications described in the documents prescribed in paragraph 1.1 (2) ii) 1)
(Required for all of the flight crew)
- iv) Reason for the necessity of transportation concerned
- v) Route of flight (indicating points of intermediate stops) and flight sections and schedules intended for transportation of passengers or cargo for remuneration.

(Unofficial Translation)

1) Route of flight and flight sections intended for transportation of passengers or cargo for which remuneration are same as the provisions of paragraph 1.1 (1) i) 5) A)

2) Flight schedule should be described with respect to each flight section intended for transportation of passengers or cargo for remuneration.

vi) In the case that the applicant's office or agent is located in Japan, name and address thereof.

vii) Other matters which the Minister of Land, Infrastructure, Transport and Tourism deem necessary.

1) Description of the provisions of paragraph 1.1 (1) i) 3) A) and paragraphs 1.1 (1) i) 5) C) and D)

2) Submission of documents in the provisions of paragraph 1.1 (1) ii) and paragraph 1.1 (2). Nevertheless, it is possible to omit some parts of the documents if omission is approved by JCAB.

3.2 Criteria for review

Criteria for review shall apply mutatis mutandis to the corresponding items of the provisions of paragraph 1.2.

4. Details of review

Details for the implementation of reviews are specified in a separate ordinance by the Director for Flight Standards Division, Aviation Safety and Security Department.

Chapter III. Performance of safety surveillance for foreign international air carriers, etc.

1. Measures to a person who belongs to the state where ICAO raised SSC(s) and who authorized or intends to obtain permission prescribed in Article 129 or Article 130-2 of the Act. (hereinafter referred to as "foreign air carriers").

1.1 Measures to the state (hereinafter referred to as "the state of online foreign air carriers") of foreign air carriers where permitted under Article 129 or Article 130-2 of the Act (hereinafter referred to as "an online foreign air carrier"), the state of registry, the state of airworthiness certification or the state of competence certification (hereinafter referred to as "the state of online foreign air carriers, etc.") in cases of being raised SSC(s) by ICAO.

1.1.1 Measures to online foreign air carriers

(1) As the result of a safety audit conducted in the ICAO member states, in the case that any of the states of online foreign air carriers, states of registry, states of airworthiness certification or states of competence certification raise SSC(s) on any of the aircraft operations, the aircraft registration, the airworthiness of the aircraft or the competence certification, when these are operated by the aircraft or flight crews relating to the findings, the following measures shall be taken to have the foreign air carrier certified or approved by the state for the period of the following provisions of paragraph (2).

i) Expansion or changes in services (additional increase in the airports to be used, aircraft type changes, etc.) to Japan by such carriers under the provisions of Article 129-3 paragraph (2) of the Act are not approved.

ii) JCAB may endeavour to verify safety by increasing the frequency of on-site inspections of aircraft that stop at airports in Japan (hereinafter referred to as “ramp inspection”) under Article 16 of the Convention and the provisions of Article 134 paragraph (2) of the Act and so on.

iii) Other required measures

(2) Period for taking measures

The period for taking measures is notified to the contracting states if a certain state is raised SSC(s) by ICAO and lifts SSC(s). Then JCAB shall confirm concrete corrective actions taken on the SSC(s) by the state.

1.1.2 Measures to the aviation safety authorities of the state of an online foreign air carriers, etc.

(1) If SSC(s) are raised by the ICAO, JCAB shall inform that measures are to be taken under the provisions of the above paragraph 1.1.1 to the aviation safety authorities of the state and may request the aviation safety authorities of the state to notify her online foreign air carrier of said contents. In addition, JCAB shall request the aviation safety authorities of the state of online foreign air carriers, etc. to provide the following information and identify the safety operations of an online foreign air carrier.

i) Concrete contents of SSC(s)

ii) Concrete corrective actions taken by the state to address SSC(s)

iii) Actions other than those above and information identifying the safety operations of an online foreign air carrier

(2) If SSC(s) was lifted by ICAO, JCAB shall request the aviation safety authorities of the state of online foreign air carriers, etc. to provide concrete corrective actions taken and then identify the contents of the corrective actions taken for the SSC(s) as JCAB.

1.2 Measures to foreign air carriers which do not operate international air services in Japan (hereinafter referred to as “an off-line foreign air carrier”), certified to the state of registry, the state of airworthiness certification or the state of competence certification (hereinafter referred to as “the state of foreign air carriers, etc.”) with SSC(s) raised by ICAO or in the case of new entrant requests to fly to Japan from the state of foreign air carriers.

1.2.1 Measures for an off-line foreign air carrier

(1) As a result of safety audits conducted in ICAO member states, in the case that any of the states of off-line foreign air carriers, states of registry, states of airworthiness certification or states of competence certification are raised as SSC(s) on any of the aircraft operations, the aircraft registration, the airworthiness of the aircraft or the competence certification, when operated by the aircraft or flight crews relating to the findings, it is not permitted that the foreign air carrier is certified or approved by the state for the period prescribed in the following paragraph (2) under the provisions of Article 129-1 or Article 130-2 of the Act.

(2) Period for taking measures

Period corresponding to the provisions of the above paragraph 1.1.1 (2)

1.2.2 Measures to the aviation safety authorities of the state of foreign air carriers, etc.

(1) JCAB shall inform that the measures have been taken under the provisions of the above paragraph 1.2.1 to the aviation safety authorities of the state and may request the aviation safety authorities of the state to inform said contents received of the off-line foreign air carriers.

(2) When the SSC(s) was lifted by ICAO, JCAB shall request the aviation safety authorities of the state of foreign air carriers, etc. to provide the concrete corrective actions taken by them and identify the contents of corrective actions taken for the SSC(s) as JCAB.

2. Measures to foreign air carriers, etc. in the case that the state of the operator is listed as category 2 (which does not comply to ICAO Standards), as a result of the International Aviation Safety Assessment program by the United States Federal Aviation Administration (hereinafter referred to as “FAA”), or the name of the foreign air carrier is listed in the “List of airlines banned within the EU” which tabulates foreign air carriers banned within the European Union by the European Commission (hereinafter referred to as “EC”) (hereinafter referred to as “cases designated by the FAA or the EC”)

2.1 Measures to the state of online foreign air carriers, etc. or online foreign air carriers in cases designated by the FAA or the EC

2.1.1 Measures to online foreign air carriers

(1) Based on information relating to the safety assessments performed by the FAA or the EC, in the case that the state of the online foreign air carrier, etc. or the online foreign air carrier was designated by the FAA or the EC, JCAB may endeavour to verify safety by increasing the frequency, etc. of ramp inspections for the period in the provisions of the following paragraph (2).

(2) Period of taking measures

The period of taking measures is the period for which the state of the operator is listed as category 2 by the FAA, or for which the online foreign air carrier is listed in the “List of airlines banned within the EU” by the EC.

2.1.2 Measures to the aviation safety authorities of the state of online foreign air carriers, etc.
JCAB may endeavour to verify safety by requesting the provision of information on the concrete corrective actions for the findings identified by the FAA or the EC, and other related information.

2.2 Measures in the case of new requests to fly to Japan from states of foreign air carriers, etc. or off-line foreign air carriers who are designated by the FAA or the EC.

2.2.1 Measures to off-line foreign air carriers

After starting international air services in Japan with permission under the provisions of Article 129 paragraph (1) or Article 130-2 of the Act, measures corresponding to the provisions in 2.1.1(1) shall be taken.

2.2.2 Measures to aviation safety authorities of the states of foreign air carriers, etc.

At the time of safety reviews concerning permission under the provisions of Article 129 paragraph (1) or Article 130-2 of the Act, measures corresponding to the provisions in 2.1.2 shall be taken.

3. Request for information

The purpose of the request for providing information about SSC(s), etc. and the contents of findings identified by the FAA or the EC for the aviation safety authorities as described in the above paragraph 1.1.2, 1.2.2, 2.1.2 and 2.2.2 shall not be regarded as being granted by the audit or inspection for the aviation safety authorities of concerned countries, but to confirm whether the foreign air carriers are operating safely.

4. Measures in the case that an online foreign air carrier has caused an accident, etc.

If the online foreign air carrier has caused an accident, etc., JCAB shall confirm the safety of the online foreign air carrier by requesting that the aviation safety authorities of concerned countries conduct an investigation of causes and preventive actions depending on the status.

5. On-site inspections conducted on foreign aircrafts

From the point of the safety of online foreign air carriers, ramp inspections will be conducted.

(Unofficial Translation)

Chapter IV. Others

All information relating to foreign states and foreign air carriers and all information for which disclosure to parties other than the foreign air carrier and the state of the foreign air carrier may cause damage to the relationship of mutual trust with another country or an international organization shall not be disclosed to parties other than the foreign air carrier and the state of the foreign air carrier.

Supplementary Provisions

This Circular Notice shall be applied from March 7, 2014.

Note: This English translation of the Circular Notice is intended for reference, the Circular Notice written in Japanese has become the official text.