

Pursuant to Article 16, paragraph 7 of the Law on Air Transport ("Official Gazette of MNE", No. 30/12 and 30/17), the Ministry of Transport and Maritime Affairs, with the consent of the Ministry of Defense and the Ministry of Foreign Affairs, hereby adopts the

REGULATION ON CONDITIONS AND THE PROCEDURE OF ISSUING FLIGHT APPROVALS TO FOREIGN AIRCRAFT IN THE AIRSPACE OF MONTENEGRO

Subject

Article 1

This regulation prescribes the conditions and the procedure of issuing flight approvals to foreign civil aircraft in the airspace of Montenegro to conduct commercial air traffic.

Exemption from application

Article 2

This regulation shall not apply to foreign civil aircraft performing:

- 1) Non-commercial flight, i.e. transport for its own needs with aircraft whose airworthiness certificate is issued in accordance with ICAO standards (private flight);
- 2) Non-commercial flight for the purpose of participating in aeronautical events;
- 3) Flight in the conditions of emergency landing;
- 4) Flight for humanitarian purposes;
- 5) Flight for search and rescue purposes;
- 6) Emergency medical flight;
- 7) Commercial flight in non-scheduled services whose number of commercially usable passenger seats does not exceed ten;
- 8) Cargo flight in non-scheduled services whose commercially usable capacity of cargo hold does not exceed 300 kilograms and whose maximum take-off mass is 5.700 kilograms;
- 9) overflight of territory of Montenegro and technical landing in the territory of Montenegro, if an aircraft or an aircraft operator is registered in the Member State of the International Civil Aviation Organization (ICAO) or if an aircraft, or an aircraft operator is registered in the country with which Montenegro concluded an international air service agreement which also regulates overflight of the territory of Montenegro.

Definitions

Article 3

The terms used in this regulation have the following meanings:

- 1) **foreign civil aircraft** is an aircraft entered in the register of civil aircraft of another State, which carries out transport of persons or goods between two or more States;

- 2) **Air charter agreement/contract** is a contract which specifies general and special conditions of carriage and mutual rights and obligations of the air carrier and the customer;
- 3) **Aircraft operator** is a legal or natural person, or a State body operating or intending to operate the aircraft;
- 4) **Montenegrin air carrier** is a legal or natural person holding an operating license, which is issued by the competent authority of Montenegro;
- 5) **Foreign air carrier** is a foreign legal or natural person holding an operating license or another appropriate document for carrying out the air transport, issued by the competent authority of the foreign State;
- 6) **series of flights** is a series of two or more flights agreed by the same transport contract;
- 7) **non-scheduled air transport** is a transport of persons, cargo and/or mail other than scheduled, including non-scheduled charter transport, taxi-transport, panoramic flights;
- 8) **Flight for its own needs** is the flight which is in the flight plan declared by the aircraft operator as non-commercial, private flight;
- 9) **commercial air transport** is liner transport, occasional transport and provision of services from air with a monetary or other kind of compensation;
- 10) **scheduled air transport**: a series of flights having characteristics in a way that on each flight the seats and/or the capacity for transport of cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorized agents); or a series of flights operated so as to serve traffic between the same two or more airports, either according to a published timetable, or with flights regular or frequent that they constitute a recognizably systematic series;
- 11) **international air traffic** is a traffic which is carried out in the airspace over the territory of two or more States,
- 12) **Technical landing** is the landing of aircraft carried out for technical, meteorological and for navigational reasons if there has been no change in the payload, except in fuel;
- 13) **TCO (Third Country Operators)** approval is an approval issued by the European Aviation Safety Agency (EASA) to operators engaged in commercial transport to and from the territory of the EU;
- 14) **Air Operational Certificate (AOC)** is a certificate issued to legal or natural person or to State administration body confirming that they as operators have a professional ability and that they are organized in a way that enables safe performance of operations specified in the certificate;
- 15) **Fifth freedom in commercial air traffic** is the possibility of an air carrier to carry out an air transport between two foreign States if the carriage has started or ended in the State register of that air carrier;
- 16) **The seventh freedom in commercial air traffic** is the possibility of an air carrier to carry out a transport between two foreign States, provided that such transport does not include take - off or landing in the State register of that air carrier.

Approval request to foreign civil aircraft

Article 4

- (1) Approval for Commercial Air traffic is issued to foreign civil aircraft on the basis of the submitted request.

(2) In addition to the request referred to in paragraph 1 of this Article, the following documentation shall be submitted:

- 1) Air Operator Certificate (AOC) or other appropriate certificate of qualification for conducting commercial air transport with operations specifications;
- 2) Operating License, if any;
- 3) TCO approval, if any;
- 4) Insurance Certificate against damage caused to passengers, luggage, cargo, mail, and third parties;
- 5) Aircraft Registration Certificate for all aircraft for which the request is submitted;
- (6) Airworthiness Certificate for all aircraft for which the request is submitted;
- 7) Airworthiness Review Certificate for all aircraft for which the request is submitted;
- 8) Noise Aircraft Certificate for all aircraft for which the request is submitted;
- 9) Aircraft Radio Station license, for all aircraft for which the request is submitted;
- 10) Air Charter Agreement/Contract;
- 11) Aircraft Lease Contract, if the leased aircraft is used for commercial air traffic;
- 12) Contract on the transfer of supervisory rights and obligations between the State register and the State of the air carrier, if the use of the aircraft includes the transfer of supervisory rights and obligations under the Convention on International Civil Aviation;
- 13) The approval of the Public administrative body responsible for defense affairs, for the provision of aerial work services for the purpose of shooting the territory of Montenegro;
- 14) Civil Aviation Security Programme, to verify compliance with National Civil Aviation Security Program and other regulations from civil aviation area, with the act approving that programme;
- 15) a list of the persons to be deported if a request for approval to perform non-scheduled services is submitted in order to deport citizens from Montenegro;
- (16) Approval by the State of the air carrier verifying that a particular air carrier is designated to perform scheduled services, if Montenegro concluded a bilateral Air Service Agreement with that State;
- 17) Statement of agreement of all air carriers of Montenegro, if an approval is requested for operation between two foreign States, and if that carriage has begun or ended in the State of registry of that air carrier or if that carriage does not include take-off or landing in the State of registry, unless a traffic right is determined by concluded international agreement (fifth and seventh freedom);
- 18) Other documentation, if no TCO approval has been provided and if it is determined that aviation safety and security standards are not in accordance with the prescribed ones.

Application procedure for approval request

Article 5

(1) Approval request for conducting scheduled services shall be submitted separately for the summer and winter period, no later than 40 days prior to the day planned for the first flight.

(2) An approval request for the provision of non-scheduled services shall be submitted:

1) for individual non-scheduled flights, no later than three days prior to the day planned for the first flight;

2) for a series of non-scheduled services, no later than 15 days prior to the day planned for the first flight.

(3) An approval request for aerial work services shall be submitted no later than 15 days prior to the day planned for the beginning of aerial work services.

(4) An Approval request to foreign civil aircraft for commercial air traffic shall be submitted on the form that is an integral part of this regulation.

Termination of application

Article 6

On the date of entry into force of this regulation, the Regulation on the procedure of issuing an approval for aircraft operation shall cease to apply ("Official Gazette of SFRY", No. 43/82).

Entry into force

Article 7

This regulation shall enter into force on the eighth day following its publication in the "Official Gazette of Montenegro".

No: 344/17-06-7628 /2

Podgorica, October 27, 2017

Minister,

Osman Nurković

**Zahtjev za izdavanje odobrenja stranom vazdušnom prevozniku / operatoru vazduhoplova
za obavljanje komercijalnog vazdušnog saobraćaja**

Application for issuing approval to the foreign Civil Aircraft / Aircraft Operator for conducting commercial air transport

Vrsta zahtjeva / Application type		
<input type="checkbox"/> Izdavanje / Initial issue	<input type="checkbox"/> Izmjena / Change	
Naziv vazdušnog prevoznika / operatora vazduhoplova <i>Name of the Air Carrier / Aircraft Operator</i>		
Adresa <i>Address</i>		
ICAO troslovna oznaka <i>ICAO Three letter code</i>	Telefon <i>Phone No.</i>	
Faks <i>Fax No.</i>	E-mail <i>E-mail</i>	
Informacije o vazduhoplovu <i>Aircraft Information</i>		
<ul style="list-style-type: none"> ➤ Tip vazduhoplova <i>Aircraft type</i> ➤ Registracione oznake <i>Registration marks</i> ➤ Broj putničkih sjedišta <i>Passenger seats number</i> 		
<input type="checkbox"/> Linijski vazdušni prevoz <i>Schedule services</i> <input type="checkbox"/> Povremeni vazdušni prevoz <i>Non-schedule services</i> <input type="checkbox"/> Pružanje usluga iz vazduha <i>Aerial work services</i>		
Tip operacija: <i>Type of operations:</i>	<input type="checkbox"/> Putnički <i>Passenger</i>	<input type="checkbox"/> Zimski <i>Winter</i>
	<input type="checkbox"/> Teretni <i>Cargo</i>	<input type="checkbox"/> Ljetnji <i>Summer</i>

Za linijski i povremeni vazdušni prevoz
Schedule and non-schedule services

DETALJI O LETU*FLIGHT DETAILS***Molimo Vas, priložite dodatni list ukoliko je neophodno***Please attach a supplementary sheet if necessary*

Datum/Period <i>Date/Period</i>	Broj(evi) let(ova) <i>Flight number/s</i>	Aerodrom polaska – aerodrom dolaska <i>Airport of Departure – Airport of Arrival</i>	ETD <i>(UTC)</i>	ETA <i>(UTC)</i>	Dani izvođenja letova 1/2/3/4/5/6/7 <i>Days of Operation</i> 1/2/3/4/5/6/7

Za linijski vazdušni prevoz*Schedule services only***DETALJI O CODE SHARE LETOVIMA***CODE SHARE FLIGHT DETAILS*

Datum/Period <i>Date/Period</i>	Operativni prevoznik Br. leta <i>Operating Carrier Flight No</i>	Marketing prevoznik Br. leta <i>Marketing Carrier Flight No.</i>	Ruta <i>Route</i>	ETD <i>(UTC)</i>	ETA <i>(UTC)</i>	Dani izvođenja letova 1/2/3/4/5/6/7 <i>Days of Operation</i> 1/2/3/4/5/6/7

NAPOMENE*REMARKS*

--

PODNOŠILAC PRIJAVE*APPLICANT*

Naziv organizacije <i>Name of the organisation</i>	Naziv i pozicija <i>Name and title</i>
Mjesto i datum <i>Place and date</i>	Potpis <i>Signature</i>

Ovim putem izjavljujemo da su svi detalji koji su navedeni u ovom zahtjevu i pratećim dokumentima istiniti i tačni.*We hereby declare that all details given in this Application and submitted documents are true and correct.*

AGENCIJA ZA CIVILNO VAZDUHOPLOVSTVO (ACV)
CIVIL AVIATION AGENCY (CAA)

Procjenu obavio (ime i prezime): <i>Evaluated by (name and surname):</i>	Odluka ACV <i>CAA decision:</i>	Pečat <i>Stamp</i>
Broj odobrenja: <i>Number of approval:</i>	Odobreno <input type="checkbox"/> <i>Approved</i>	
Napomene: <i>Remarks:</i>	Nije odobreno <input type="checkbox"/> <i>Not approved</i>	
Potpis ovlašćenog lica ACV: <i>Signature of CAA authorised person:</i>	Datum: <i>Date:</i>	