



CRNA GORA  
AGENCIJA ZA CIVILNO VAZDUHOPLOVSTVO

MNE

## ZAHTJEV ZA ODOBRENJE OPERATIVNE LICENCE

ENG

*Application for an air carrier operating licence*

Application number:	
Date Received:	(For official use only)

AOC No.		Operator:	
Is the application for licence with aircraft:	<input type="checkbox"/> over 10.000 kg MTOW and/or over than 20 seats ("Type A")	<input type="checkbox"/> under 10.000 kg MTOW and/or less than 20 seats ("Type B")	

What date is the licence required to be effective?	
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Please read the accompanying notes before completing this application.

Applicants should also familiarise themselves with the provisions of Law on Air Transport ("Official Gazette of Montenegro" No 30/2012) and with the provisions of Regulation on issuance of operating licence for commercial air transport ("Official Gazette of Montenegro" No 9/2015).

The following conditions must be met by an undertaking before an operating licence can be granted (see Article 24 of Law on Air Transport):

- (a) registered in Central Registry of Business Entities
- (b) its principal place of business must be located in Montenegro ;
- (c) it must hold a valid AOC as issued by the Montenegro Civil Aviation Agency (see NOTE 1.);
- (d) it has one or more aircraft at its disposal through ownership or a dry lease agreement;
- (e) its main occupation is to operate air services in isolation or combined with any other commercial operation of aircraft or the repair and maintenance of aircraft;
- (f) its company structure allows the competent licensing authority to implement the provisions of the Regulation on issuance of operating licence for commercial air transport;
- (g) it meets the relevant ownership and control requirements of the Regulation on issuance of operating licence for commercial air transport, Law on Air Transport;  
- ownership and control by non ECAA States or nationals is not permitted (see NOTE 2.);
- (h) it meets the financial conditions specified in Article 4 of the Regulation on issuance of operating licence for commercial air transport (see NOTE 3.);
- (i) it complies with the insurance requirements specified in the Law on obligation relations and grounds of property-legal relations in air transport ("Official Gazette of the Montenegro", No.18/2011, 46/2014); Law on Obligatory Insurance in Traffic ("Official Gazette of the Montenegro", No.44/2012) (see NOTE 4);
- (j) it complies with the provisions on good repute as specified in Regulation on issuance of operating licence for commercial air transport (see NOTE 5).

The application must be completed in full and no questions should be left unanswered. Where appropriate, indicate "not applicable", "none" etc.

Please be aware that incomplete application will be returned and not be processed.

The form should be submitted together with all necessary appendices and documents to  
**MONTENEGRO CIVIL AVIATION AGENCY**  
*Flight Operations Department*  
**MNE-81000 PODGORICA, Ul. Josipa Broza Tita bb**

NOTE: Any relevant changes which occur the licence application has been submitted should be notified to the Montenegro Civil Aviation Agency immediately.

**SECTION 1 Shared Information**

/Please complete in capital letters/

Name of Applicant:	
Business Name:	
Address:	
Phone No:	
Fax No:	
E-mail:	
Identification Number:	
Tax Identification:	
Identification of the core activity:	
Web Address (If Applicable)	
Principal Operating Base:	

**SECTION 2 Ownership and control of business**

To be completed in respect of companies incorporated under the Corporations Act

2.1 Please complete in respect of each member of the board of directors and supervisory board. In respect of each Director/Member of Supervisory Board, please provide evidence of nationality (e.g. certificate of nationality or copy of passport).

Name:	
Private Residential Address:	
Registered Office Address:	
Nationality:	
Title:	

Name:	
Private Residential Address:	
Registered Office Address:	
Nationality:	
Title:	

Name:	
Private Residential Address:	
Registered Office Address:	
Nationality:	
Title:	

2.2 To be completed in respect of any other person or entity who effectively controls or has a managing interest in the company (see NOTE 5.).

Name:	
Private Residential Address:	
Registered Office Address:	
Nationality:	
Title:	

2.3 To be completed in respect of a company which is a subsidiary of another company (see NOTE 6.).

Name of Parent Company:	
Registered Office or Business Address:	

2.4 To be completed in respect of a company which is a holding company for another company (see NOTE 6.).

Name of Parent Company:	
Registered Office or Business Address:	

2.5 The following legal documents must be included with application:

- Memorandum and Articles of association;
- Certificate of Incorporation
- Certificate of Registration of any trading or business names;
- Copy of Shareholders Agreement or any side/ancillary agreements relating to the rights of respective shareholders in the company;
- Notice about business entity classification (see NOTE 7.);
- Certificate or other evidence that the applicant or his accountable manager has not been convicted of a criminal offense of organized crime, corruption, money laundering and fraud;
- Certificate or other evidence that the applicant or his accountable manager is not prohibited from doing business;
- Certificate or other evidence that the applicant's business account has not been blocked for a period of six months before the date of application;
- The certificate or other evidence of settled liabilities for taxes and contributions;
- Certificate or other evidence that the accountable manager is not sentenced to a term of imprisonment of at least six months or have been sentenced for economic offenses, and not a misdemeanor convictions for offenses prescribed by law regulating air traffic.

### SECTION 3 Capitalisation

Please complete in respect of each shareholder (see NOTE 2.)

Date Shares acquired	Name, address & nationality of shareholder	Description of shares held & nominal value	No. of shares held

Specify (on separate sheet if necessary):

3.1 amount of authorized share capital	_____
3.2 amount of fully paid-up share capital	_____
3.3 issued for cash	_____
3.4 issued otherwise than for cash	_____
3.5 details of any share capital not fully paid up	_____

**SECTION 4 Shareholdings in other companies**

Give full details (on a separate sheet) of any shareholding of more than 10% by the applicant or any director, shareholder or partner in any other company, including shareholdings held in the name of a spouse, nominee or agent.

**SECTION 5 Financial arrangements**

Please give details (on a separate sheet) of any financial or other arrangements which may have a bearing on control of the applicant.

For example:

- any guarantees or support undertakings
- any loans other than provided by a bank or financial institution
- any aircraft leases other than those provided on normal commercial terms
- any operational or commercial agreements involving another airline

**SECTION 6 Aircraft**

6.1 Particulars of aircraft to be operated by company

Registration Marks	Name and type	Year of Manufacture	MTOW (kg)	Maximum Seat Capacity

6.2 For each aircraft state, method of acquisition (e.g. purchased, leased, etc.) and annual repayments/lease costs

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6.3 If aircraft is leased, please include copy of lease agreement

**SECTION 7     Activities**

7.1 Summary of proposed operations/business activities/areas of the operation

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7.2 Will the company engage in any other business activities apart from air transport? If so give details

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**SECTION 8     Insurance (see NOTE 4)**

Name of Insurer	
Address:	
Contact Person	
Phone No:	
Fax No:	
E-mail:	

**SECTION 9     Proof of good repute**

Article 24 (10) of Law on Air Transport requires that for the purpose of issuing an operating licence, proof is required that the legal or natural persons has a good repute or that they have not been previously declared bankrupt and that the responsible person has not been convicted of an offense that makes him lacking for performance of duties.

**SECTION 10    Other Information**

Please provide (on separate sheet) details of the following:

- 10.1 Name, address and contact number(s) of applicant's legal representative;
- 10.2 Name, address and contact number(s) of applicant's banker(s);
- 10.3 Name, address and contact number(s) of applicant's auditor/accountant;
- 10.4 Address and contact number(s) of applicant's principal place of business.

## APPLICATION AND DECLARATION

I, the undersigned, hereby apply for the grant of an Operating Licence and I declare that, to the best of my knowledge and belief, the statements given in this application are true.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Company \_\_\_\_\_

Position in company \_\_\_\_\_

Date \_\_\_\_\_

### NOTES

#### NOTE 1.

Before a licence is issued the applicant must be the holder of a valid Air Operator's Certificate granted by the Montenegro Civil Aviation Agency which affirms that the operator in question has the professional ability and organisation to secure the safe operation of aircraft for the proposed aviation activities.

#### NOTE 2.

Article 24 (6) of Law on Air Transport requires that Montenegro and/or nationals of Montenegro own more than 50% of the undertaking and effectively control it, except as provided for in an agreement with a third country to which the ECAA State is a party.

#### NOTE 3.

Applicants must submit a business plan for, at least, the first three years of operation. The business plan should include a detailed description of the air carrier's intended commercial activities including the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings. Details of any market research undertaken should also be included. The Business Plan must be provided in electronic format (in Microsoft Excel) to include all links and workings so that the Montenegro Civil Aviation Agency can see how each figure is arrived at.

In submitting the financial data, applicants should be aware that the Montenegro Civil Aviation Agency is obliged to satisfy itself that the applicant can:

(a) meet at any time its actual and potential obligations established under realistic assumptions, for a period of 24 months from the start of operations; and

(b) meet its fixed and operational costs incurred by operations according to its business plan and established under realistic assumptions, for a period of three months from the start of operations without taking into account any income from its operations.

When submitting a business plan the following particulars should be included as set out under point 3, Article 4 of the Regulation on issuance of operating licence for commercial air transport:

1. The most recent internal management accounts and, if available, audited accounts for the previous financial year. (Does not apply to new companies).



"management account" is defined under Article 2 (3) and means a detailed statement of income and costs of an air carrier for the period in question including a breakdown between air-transport-related and other activities as well as between pecuniary and non-pecuniary elements;

2. A projected balance sheet, including profit and loss account, for the following three years.
3. The basis for projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, air navigation charges, Groundhandling costs, insurance, etc. Traffic/revenue forecasts.
4. Details of the start-up costs incurred in the period from submission of application to commencement of operations and an explanation of how it is proposed to finance these costs.
5. Details of existing and projected sources of finance.
6. Details of shareholders, including nationality and type of shares to be held, and the Articles of Association. If part of a group of undertakings, information on the relationship between them.
7. Projected cash-flow statements and liquidity plans for the first three years of operation.
8. Details of the financing of aircraft purchase/leasing including in the case of leasing the terms and conditions of contract.

NOTE: Any changes which arise after the above material has been submitted should be notified to the Montenegro Civil Aviation Agency. Where appropriate a revised business plan should be submitted.

#### SMALL OPERATORS ("Type B")

The financial requirements for small operators engaged exclusively in unscheduled operations with aircraft of not more than 10 tones maximum take-off weight and/or less than 20 seats are less rigorous with regard to the details furnished in the business plan mentioned above. However, as per the requirements of Article 25 (2) Law on Air Transport , such undertakings are required to demonstrate that their net capital is at least €100,000 or provide, when requested by the licensing authority, all relevant information for the purposes of the assessment referred to under Article 24 (1), in particular the data referred to in point 3, Article 4 of Regulation on issuance of operating licence for commercial air transport. For companies that operate scheduled services or whose turnover exceeds €3 million per year, at the request of the Agency shall submit documentation from Article 3, paragraph 1, point. 2 and 3 of this Ordinance, within 90 days from receipt of the request.

#### REVIEW OF OPERATING LICENCES

Operating licences are subject to review by the licensing authority:

- (a) two years after a new operating licence has been granted,
- (b) when a potential problem has been suspected, or
- (c) at the request of the European Commission.

## SUBMISSION OF AUDITED ACCOUNTS

For continuous monitoring of compliance with the conditions under which was issued an operating license, the data referred to in Article 6 (1) of Regulation on issuance of operating licence for commercial air transport shall be made available to the Montenegro Civil Aviation Agency upon request. The required data is as follows:

- (a) Audited accounts no later than six months following the last day of the relevant financial year, unless otherwise provided for in national law and, if necessary, the most recent internal management balance sheet.
- (b) A projected balance sheet including profit and loss account, for the forthcoming year.
- (c) Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, air navigation charges, Groundhandling costs, insurance, etc. Traffic/revenue forecasts.
- (d) Cash-flow statements and liquidity plans for the following year.

### NOTE 4.

Article 43 of the Law on Obligatory Insurance in Traffic sets out the minimum insurance cover required by air carriers in respect of liability for passengers, baggage, cargo and third parties.

The insured risks shall also include acts of war, terrorism, hijacking, acts of sabotage, unlawful seizure of aircraft and civil commotion.

1. For passenger liability- the minimum insurance cover is 250,000 SDRs<sup>1</sup> per passenger
2. For liability in respect of baggage, the minimum insurance cover is 1,000 SDRs per passenger in commercial operations
3. For liability in respect of cargo, the minimum insurance cover is 17 SDRs per kilogram in commercial operations
4. With regard to third party liability, the following minimum levels apply per accident and for each and every aircraft:

Category	MTOW (kg)	Minimum insurance (million SDRs)
1	from 20 to 500	0,75
2	from 501 to 1000	1,5
3	from 1001 to 2700	3
4	from 2701 to 6000	7
5	from 6001 to 12000	18
6	from 12001 to 25000	80
7	from 25001 to 50000	150
8	from 50001 to 200000	300
9	from 200001 to 500000	500
10	> 500001	700

Please arrange to have the attached Insurance Declaration completed by your insurer/broker and return it to the Montenegro Civil Aviation Agency with your application for approval. (see Annex I)

<sup>1</sup> *Special Drawing Rights: an international unit of currency set by the International Monetary Fund (IMF). See [www.imf.org](http://www.imf.org) for current rates.*

#### NOTE 5.

Effective control as defined in Article 4 (13) of Law on Air Transport means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by:

(a) the right to use all or part of the assets of an undertaking;

(b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking.

#### NOTE 6.

See relevant provisions of the Corporation Act Law on Business Organisations ("Official Gazette of the Montenegro", No. 17/2007, 80/2008, 36/2011 and 6/2002).

#### NOTE 7

The Montenegro Central Bureau of Statistics maintain Register of business entities and issue Notice about business entities classification.

#### NOTE 8

The Montenegro Civil Aviation Agency undertakes to use its best endeavours to hold confidential any information provided by you in this application.

Should you wish that any of the information supplied by you in this application should not be disclosed because of its sensitivity, you should identify it and specify the reasons for its sensitivity.

#### NOTE 9.

Please note that applications should be made well in advance of the proposed commencement of operations as it is important that the Montenegro Civil Aviation Agency has adequate time to process applications.

Applicants are advised not to attempt to anticipate the issue of an Air Carrier Operating Licence by selling tickets or taking bookings in advance of securing an operating licence.

Undertaking whose application has been refused may submit appeal to:

Ministry of the Transport and Maritime Affairs

81000 Podgorica, Rimski trg 46

INNSURANCE DECLARATION

We \_\_\_\_\_ (Name)

acting as Insurance Broker or Lead Insurer to

Name and Address of airline:

confirm that the said airline has valid Insurance which meets the requirements of Law on Obligations and the Fundamentals of Property Relations in Air Transport (" Official Gazette of the Montenegro", No. 18/2011, 46/2014 ) and / (see NOTE 5.).

Policy/Policies Number(s) \_\_\_\_\_

with a relevant date of \_\_\_\_\_

covering (tick as appropriate)  baggage  cargo  mail  third parties

The insurance covers  all aircraft operated by insured on its AOC  the following aircraft (a list may be submitted)

Policy Details<sup>2</sup>

The following limit/s apply: For Aviation Passenger, Third Party, Baggage and Cargo Liability

For Third Party War Risk

The following geographical restrictions apply

The agreed insurance policy period runs from \_\_\_\_\_ until \_\_\_\_\_

The following conditions with regard to cancellation are applicable (all conditions with regard to cancellation are to be stated):

<sup>2</sup> Insurance cover must exist for each and every flight, regardless of whether the aircraft operated is at the disposal of the air carrier through ownership or any form of lease agreement, or through joint or franchise operations, code-sharing or any other agreement of the same nature.

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