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Notice of Particulars of safety review for approval of international air transport services by foreign nationals and transport of passengers and cargos departing from or arriving in Japan

## Chapter I General provisions

### 1-1 Purpose

This Notice of Particulars aims to establish particulars in conducting safety review, based on "Procedures of Safety Review of Permission for International Air Transport Services by Foreign Nationals and Safety Surveillance Activities for Foreign Air Carriers, etc." (Issued on March 7, 2014 No: KOKU-KU-KO-998, hereinafter referred to as "Procedures"), 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"), approval of a change of operation plan under the provisions of Article 129-3 paragraph (2) of the Act, and permission for international air transport services by foreign nationals and transport of passenger and cargo departing from or arriving in Japan under the provisions of Article 130-2 of the Act.

1-2 If part of this Notice of Particulars is not applicable or if other methods are recognized as appropriate, this Notice of Particulars may be performed by the other equivalent method(s) within the scope that problems do not occur in ensuring the safety of transport.

## Chapter II Permission for international air transport services by foreign nationals under the provisions of Article 129 of the Act

### 2-1 Submission of documents

(1) Matters to be described under the provisions of Article 129 paragraph (2) of the Act shall be as per Form 1 and the followings documents shall be attached.

#### i) Matters relating to aircraft operation

- 1) A copy of Air Operator Certificate issued by the authority responsible for the aviation safety (hereinafter referred to as "the aviation safety authority") of foreign state where the applicant has nationality (hereinafter referred to as "the state of the operator")
- 2) Copies of Operations Specifications (Operations Specifications defined with the Appendix 6 Section 3 of the Annex 6 part 1 to the Convention on International Civil Aviation (hereinafter referred to as "the Convention") or equivalent documents) issued by the aviation safety authority of the state of operator.

(2) Application documents which may be required to submit under the provisions of Article 129 paragraph (3) of the Act shall be the followings:

i) Matters relating to aircraft

Documents shall be attached for each aircraft to be used.

- 1) Copies of aircraft registration certificates issued by the aviation safety authority of the foreign state where the aircraft to be used nationality (hereinafter referred to as “the state of registry”).
- 2) Copies of airworthiness certificates issued by the aviation safety authority of the state of registry. If an agreement under the Article 83-2 of the Convention exists between the state of registry and the state other than the state of registry and if airworthiness certificates are issued by the aviation safety authority of the state other than the state of registry, copies of airworthiness certificates issued by the said state and the aforementioned agreement.
- 3) Copies of aircraft noise certificates issued by the aviation safety authority of the state of registry. If an agreement under Article 83-2 of the Convention exists between the state of registry and the state other than the state of registry and if aircraft noise certificates are issued by the aviation safety authority of the state other than the state of registry, copies of aircraft noise certificates issued by the said state and the aforementioned agreement. However, without the aircraft noise certificates, if it is proven to comply with the noise standards of Annex 16 volume 1 to the Convention, verification document thereof.
- 4) Copies of engine emission certificates issued by the aviation safety authority of the state of registry. If an agreement under Article 83-2 of the Convention exists between the state of registry and the state other than the state of registry and if engine emission certificates are issued by the aviation safety authority of the state other than the state of registry, copies of engine emission certificates issued by the said state and the aforementioned agreement. However without the engine emission certificates, if it is proven to comply they comply with the engine emission standards of Annex 16 volume 2 to the Convention, verification document thereof.
- 5) Documents stating the installation status of the following equipment stipulated in Article 147 of the Ordinance for Enforcement of the Civil Aeronautics Act (Ordinance of Ministry of Transport No.56 of July 31, 1952, hereinafter referred to as “the Ordinance”):
  - A) Enhanced Ground Proximity Warning System
  - B) Airborne Collision Avoidance System
  - C) Security enhanced Cockpit Door
- 6) Copies of documents proving that aircraft maintenance facilities are approved to perform the maintenance work by the aviation safety authority of the state of the operator. If such maintenance work is contracted out, copies of documents proving

that the outsourcing company is approved to perform such maintenance work by the aviation safety authority of the state of operator. If multiple types of aircraft are used, a copy of the respective document, if any, proving that each type of the aircraft was approved.

7) Copies of documents proving that operation control facilities for aircraft to be used are approved to perform operation control by the aviation safety authority of the state of the operator. If such operation control is contracted out, copies of document proving that the outsourcing company is approved to perform such operation control by the aviation safety authority of the state of operator.

8) Documents showing the status of the following measures concerning falling objects preventive measures described in the detailed regulations of the technical standards to prevent objects falling off airplanes (KOKU-KAN-SAN No.613 of September 27, 2018, hereinafter referred to as "detailed regulations")

The documents shall be signed by a person who has clear official responsibility for the falling objects preventive measures and also shall include the description to implement the measures of the following B as soon as possible.

A) Engineering management

B-1) Utilization of engineering documents effective to prevent falling objects

B-2) Other measures

C) Educational Training

ii) Matters relating to flight crews

As a general rule, the following documents concerning flight crews to be engaged shall be attached.

1) Copies of competence certificates for flight crew issued by the aviation safety authority of the state of registry, which show flight crew's name, license number, type of aircraft, issuing state and authority, aviation English proficiency (ICAO level) and expiry date. If an agreement under Article 83-2 of the Convention exists between the state of registry and the state other than the state of registry and if competence certificates for flight crew are issued by the aviation safety authority of the state other than the state of registry, copies of competence certificates for the flight crew issued by the said state and the aforementioned agreement.

2) Copies of aviation medical certificates for flight crew issued by the aviation safety authority of the state of registry, which show flight crew's name, license number, issuing state and authority and expiry date. If an agreement under Article 83-2 of the Convention exists between the state of registry and the state other than the state of registry and if aviation medical certificates for flight crew are issued by the aviation safety authority of the state other than the state of registry, copies of aviation medical certificates for the flight crew issued by the said state and the aforementioned

agreement.

3) Copies of documents which prove that flight crew training facilities are approved to perform training by the aviation safety authority of the state of operator. If flight crew training is contracted out, copies of documents proving that the outsourcing company is approved to conduct the flight crew training by the aviation safety authority of the state of operator. If multiple type of aircraft are used, a copy of the respective documents, if any, proving that each type of aircraft was approved.

iii) In addition to the matters listed above, matters requested to submit 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 order to verify that the aircraft operation complies with the safety standards in Japan.

(3) Omission of attached documents

Of the documents defined in the preceding paragraph (2), some documents can be omitted to attach in the following cases.

i) Documents specified in paragraph (ii) 3), in case that same aircraft as the aircraft, which has been approved since the previous fiscal year of the application date under the provisions of Article 130-2 of the Act, is used and that the contents are not changed.

ii) Documents specified in paragraphs (ii) 1) and 2), in case that flight crews for aircraft which have been approved since the previous fiscal year of the application date under the provisions of Article 130-2 of the Act, and if documents related to the same type of competence certificates have been submitted and that the contents of competence certificates are not changed.

2-2 Criteria for review

JCAB reviews that matters described in Form 1 and attached documents defined under the paragraph 2-1 meet the provisions of the Act. If Significant Safety Concern(s) (hereinafter referred to as "SSC(s)") are indicated to the state issuing Air Operator Certificate, the state issuing aircraft registration certificates, the state issuing airworthiness certificates and the state issuing competence certificates of flight crew by the International Civil Aviation Organization (hereinafter referred to as "the ICAO"), JCAB does not review based on Chapter III paragraph (1) of the Procedures during the period from the announcement of SSC(s) to the aforementioned states to our confirmation of the removal of SSC(s) and the contents of the concrete corrective measures taken for SSC(s) by the said states.

(1) Matters relating to aircraft operation

i) Air Operator Certificate

- 1) The state and institution issuing Air Operator Certificates shall be respectively the state of the operator and the aviation safety authority of the state of the operator.
- 2) If an expiration date is specified, it shall be within the validity period at the time of filing applications.
- 3) The name of operator described in the Air Operator Certificate shall be the name of the said operator.
- 4) It shall be described that commercial air operation is approved. If it is not described in the Air Operator Certificate, it shall be described in the Operation Specifications in the paragraph ii).
- 5) Responsible person in the aviation safety authority shall sign or seal the stamp.

ii) Operation Specifications

- 1) The institution issuing Operation Specifications shall be the aviation safety authority issuing the Air Operator Certificate (AOC).
- 2) AOC number shall correspond to the number specified in the AOC.
- 3) The type of aircraft shall correspond to description of the operation plans.
- 4) The type of operations, passengers and/or cargos, etc., shall correspond to the description of the operation plans.
- 5) The area of the operation shall correspond to the description of the operation plans.
- 6) Responsible person in the aviation safety authority shall sign or seal the stamp.

(2) Matters relating to aircraft

i) Aircraft registration certificate

- 1) The state and institution issuing an aircraft registration certificate shall be respectively the state of registry and the aviation safety authority of the state of registry.
- 2) The nationality, registration mark and type listed in the aircraft registration certificate of the aircraft to be used shall correspond to the description of the operation plans.

ii) Airworthiness certificate

- 1) The state and institution issuing an airworthiness certificate shall be respectively the state of registry and the aviation safety authority of the state of registry.
- 2) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.
- 3) The nationality, registration mark and type of the aircraft to be used shall correspond to the description of the aircraft registration certificate.
- 4) If an expiration date is specified, it shall be within the validity period at the time of filing the applications.

iii) Noise certificate

It shall be confirmed that the noise of aircraft to be used complies with the criteria described in Annex 16 Volume 1 to the Convention.

1) In case of confirmation by aircraft noise certificates;

- A) The state and institution issuing noise certificates shall be respectively the state of registry and the aviation safety authority of the state of registry.
- B) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.
- C) The nationality, registration mark and type of the aircraft to be used shall correspond to the description of the aircraft registration certificate.

2) In case of confirmation by aircraft airworthiness certificates;

- A) It shall be confirmed by the aviation laws of the issuing state, notification of the aviation safety authority or the other documents that the aircraft noise certification is integrated into the airworthiness certificate.
- B) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.

3) In case of confirmation by the other documents;

It shall be confirmed by an applicant's aircraft flight manual, etc. that the aircraft noise corresponds to the aircraft noise standards

iv) Engine emission certificate;

It shall be confirmed that the engine emission of aircraft to be used comply with the criteria described in Annex 16 Volume 2 to the Convention.

1) In case of confirmation by engine emission certificate;;

- A) The state and institution issuing engine emission certificates shall be respectively the state of registry and the aviation safety authority of the state of registry.
- B) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.
- C) The nationality, registration mark and type of the aircraft to be used shall correspond to the description of the aircraft registration certificate.

2) In case of confirmation by aircraft airworthiness certificates;

- A) It shall be confirmed by the aviation laws of the issuing state, notification of the aviation safety authority or other document that engine emission certification is integrated into the airworthiness certificate.
- B) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.

3) In case of confirmation by the other documents;

- A) It shall be confirmed by type certificate of data sheet for the aircraft and its engines

to be used that the engine emissions comply with the engine emission standards.

B) If the aircraft is imported from a foreign state, the type certificate data sheet for the aircraft and the engine to be used referred to in the above A) shall be confirmed by exported airworthiness certificates issued by the exporting foreign state.

C) It shall be confirmed that maintenance work for the aircraft and its engines is conducted in accordance with the manufacturer's manual, etc.

v) Equipment installation status

1) Enhanced Ground Proximity Warning System under the provisions of Article 147 paragraph (4) of the Ordinance shall be equipped.

2) Airborne Collision Avoidance System under the provisions of Article 147 paragraph (5) of the Ordinance shall be equipped.

3) Security enhanced cockpit door under the provisions of Article 147 paragraph (6) of the Ordinance shall be equipped.

vi) Maintenance facilities

1) Aircraft maintenance facilities shall be approved by the aviation safety authority of the state of the operator.

2) If maintenance is contracted out in Japan, the contractor shall be secured.

vii) Operation control facilities

1) Aircraft operation control facilities shall be approved by the aviation safety authority of the state of the operator.

2) If operation control is contracted out in Japan, the contractor shall be secured.

viii) Measures to prevent falling objects

1) Engineering management

It shall be confirmed that the engineering management system stipulated in the particulars of technical standards is established.

2) Technological measures

2-1) Adoption of engineering documents effective to prevent falling objects

It shall be confirmed that the engineering documents stipulated in the particulars of technical standards are adopted.

2-2) Other measures

It shall be confirmed that matters stipulated in the particulars of technical standards are formulated.

3) Educational Training

It shall be confirmed that the matters relating to the educational training stipulated in the particulars of technical standards are specified.

(3) Matters relating to flight crews

i) Competence certificates

- 1) The state and institution issuing competence certificates shall be respectively the state of registry and the aviation safety authority of the state of registry.
- 2) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.
- 3) It shall be accordance with the competence certificates required for the said operation and type limitation of the aircraft. If an expiration date is specified in the competence certificates and type limitation, it shall be within the validity period at the time of filing applications.

ii) Aviation medical certificates

- 1) The state and institution issuing aviation medical certificates shall be respectively the state of registry and the aviation safety authority of the state of registry.
- 2) If the issuing state is other than the state of registry, it shall be confirmed that an agreement under Article 83-2 of the Convention exists between both foreign states.
- 3) It shall be the medical certificate required for the said operation. It shall be within the validity period at the time of filing the applications.

iii) Aviation English proficiency

The language proficiency level shall be the one required for international operation, and shall be within the validity period at the time of filing the applications.

iv) Flight crew training facilities

Flight crew training facilities shall be approved by the aviation safety authority of the state of the operator.

(4) Others

Contents of the paragraph 2.1 (2) iii) shall comply with the standards in Japan.

Chapter III. Provisions regarding approval of proposed change of operation plans under the provisions of Article 129-3 paragraph (2) of the Act.

3-1 Submission of documents

Matters to be described under the provisions of Article 233-2 of the Ordinance and documents which may be required under the provisions of Article 134 paragraph (1) of the Act shall be as follows.

- (1) If any type of aircraft which has not been departed from or arrived in Japan, and which is

other than the aircraft of the same series type having departed from or arrived in Japan, and without any change of competence certificates of airmen (hereinafter referred to as "the same type") is used, it is required to complete Form 1 with necessary matters and attach documents relating to the matters to be changed among documents defined in the paragraph 2-1 (1) and (2).

(2) In case of a change other than paragraph (1), its contents shall be described according to the contents of Form 1 and among the documents defined in the paragraphs 2-1 (1) and (2), document relating to the matters to be changed shall be attached.

If contents to be changed are the same as those which have been approved or permitted since the previous fiscal year of the application date under the provisions of Article 129 paragraph (1) of the Act or the provisions of Article 130-2 of the Act, or under the provisions of Article 129-3 paragraph (2) of the Act, the documents may be omitted to attach.

### 3-2 Criteria for review

Criteria for review of the submitted documents shall apply accordingly to the corresponding items of the provisions of paragraph 2-2.

## Chapter IV. Provisions concerning permission for transport of passengers and cargos departing from or arriving in Japan under the provisions of Article 130-2 of the Act.

### 4-1 Submission of documents

(1) Regarding the matters to be described under the provisions of Article 234-2 of the Ordinance, documents defined in the paragraphs 2-1 (1) and (2) shall be attached by applying accordingly to Form 1.

However, documents defined in the 2-1 (2) i) 8) shall be as follows.

i) In case that foreign international air carriers operate the aircraft which was permitted under the provisions of Article 129 paragraph (1) of the Act at the time of the application date or in case that a total of the number of flights of the said application and the number of flights which were permitted under the provisions of Article 130-2 of the Act during the past 12 month period from the last operating month of the applied flight exceeds 103 flights, the documents specified in the paragraph 2-1(2) i) 8) shall be attached.

ii) In any case other than 4-1 (1) i), documents defined in the Appendix 1 of Form 1 shall be attached.

(2) Omission of attached documents

i) Of documents defined in paragraph (1), documents related to paragraphs 2-1 (2) i) 6), 7) and 2-1 (2) ii) 3) may be omitted, if the type of aircraft to be used is the same as the

aircraft which was permitted since the previous fiscal year of the application date under the provisions of Article 130-2 of the Act.

- ii) In case that foreign international air carriers conduct the operation with the same content as the one permitted since the previous fiscal year of the application date under the provisions of Article 129 paragraph (1) of the Act or Article 130-2 of the Act, or approved under the provisions of Article 129-3 paragraph (2) of the Act, attached documents may be omitted.

#### 4-2 Criteria for review

(1) Criteria for review of the matters described in Form 1 and the attached documents shall apply accordingly to the provisions of paragraph 2-2 (excluding 2-2 (2) viii).

(2) JCAB reviews the documents defined in the proviso of 4-1 (1) as follows.

- i) In case that foreign international air carriers operate the aircraft which was permitted under the provisions of Article 129 paragraph (1) of the Act at the time of the application date or in case that a total of the number of flights of the said application and the number of flights which were permitted under the provisions of Article 130 -2 of the Act during the past 12 month period from the last operating month of the applied flight exceeds 103 flights, the review shall be conducted by applying accordingly the provisions of the paragraph 2-2 (2) viii).

- ii) In any case other than 4-2 (2) i), it shall be confirmed that the items defined in the Appendix 1 of Form 1 are specified.

#### Supplementary Provisions

This Notice of Particulars shall be applied from April 1, 2014.

#### Supplementary Provisions (September 27, 2018)

1. This Procedures shall be applied from March 15, 2019.

2. Any person who has already obtained permission under the provisions of Article 129 paragraph (1) of the Act at the time of enforcement of this Procedures shall obtain an approval for change of the operation plan by March 29, 2019 under the provisions of Article 129-3 paragraph (2) of the Act for matters which have to be newly described in the operation plan pursuant to the provisions of Article 232 paragraph (1) (vii) of the Ordinance for Enforcement of the Civil Aeronautics Act revised by the Ministerial Ordinance to revise a part of the Ordinance for Enforcement of the Civil Aeronautics Act (Ministry Ordinance of Land, Infrastructure, Transport and Tourism No. 61 issued in 2018).

#### Supplementary Provisions (September 29, 2022)

This Notice of Particulars shall be applied from April 1, 2022.

(Unofficial Translation)

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