

(Unofficial Translation)

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

Chapter I. General Provisions

1. Purpose

This Circular Notice aims to establish procedures of safety review of 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, 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, this Circular Notice shall not be applicable in the case of the transport of only individual(s) or executive officer(s) (with their attendants) of any corporation to/ from Japan with the purpose of their business or the transport of only individual(s) (with their attendants) to/ from Japan with the medical purpose.

2. Method of review

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

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

1. Permission for international air transport services by foreign nationals under the provisions 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:

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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) Passenger transport or cargo transport

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 used for the air transport services

B) Number of fleet by aircraft type.

5) Operation plan

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

Name of origin airport, intermediate stop airport(s), and destination airport to be used for respective route of planned operation by the applicant.

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

a) Total number of aircraft to be used

b) Nationality, type and registration mark in the aircraft registration certificate issued by the foreign state where the registration of aircraft to be used was made (hereinafter referred to as “the state of registry”), of all of the aircraft to be use.

C) Outline of facilities for maintenance of aircraft

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

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D) Outline of facilities for operation control

Locations of the main facilities for operation control

E) Contents of the falling objects preventive measures

Contents of the measures to prevent parts, etc. falling off (applicable to airplanes with a maximum takeoff weight more than 5,700kg, the same shall apply hereinafter)

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 authority with responsibility for the aviation safety (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 to submit 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 stipulated in Article 6 of the Act under the provisions of Article 235 paragraph (1) of the Ordinance

2) Copies of the certificates or other documents concerning airworthiness, noise and engine emissions of an aircraft certified or prepared by a foreign state, regarded as a airworthiness certificate stipulated in Article 10 paragraph (7) of the Act under the provisions of Article 235 paragraph (2) of the Ordinance. In addition, if an agreement under Article 83-2 of the Convention exists between the state of registry and the states other than the state of registry concerning the relevant aircraft, a copy of the said agreement.

3) Of the equipment listed in each paragraph of Article 147 of the Ordinance, in ensuring the safety operation of aircraft to be used, documents showing the installation status of the devices which are recognized the necessity of particular confirmation by the Director of Flight Standards Division, the Director of the Airworthiness Division or the Director of

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the Air Transport Safety Unit of the Aviation Safety and Security Department.

- 4) Documents to prove that it is approved by the aviation safety authority of the state of operator to perform the maintenance of the aircraft to be used at the facilities stipulated in paragraph (1) i) 5) C).
- 5) Documents to prove that it is approved by the aviation safety authority of the state of operator to control the operation of aircraft to be used at the facilities stipulated in paragraph (1) i) 5) D).
- 6) Of the falling objects preventive measures, documents showing the preventive measures which are recognized the necessity of 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.

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, and aviation English proficiency certificates under Article 33 paragraph (1) of the Act in accordance with the provisions of Article 235 paragraph (1) of the Ordinance. In addition, if an agreement under Article 83-2 of the Convention exists between the state of registry and states other than the state of registry, a copy of the said agreement.

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 prove that the flight crew training to be conducted at the training facilities specified in the previous paragraph A) is approved by the aviation safety authority of the state of operator.

- iii) Other than those listed above, documents which may be requested to submit to confirm that the operation of aircraft to be used complies with Japanese safety standards.

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 forms meet the provisions of the Act. In case that JCAB

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determines in the review that it is necessary to obtain confirmation on the contents of application documents from the aviation safety authority of the state of operator or the state of registry, JCAB shall request such confirmation from the said aviation safety authority.

(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 it is unable to determine by the contents described in Air Operator Certificate or Operations Specifications, the above contents 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).

4) JCAB shall confirm that contents of the falling objects preventive measures, in reference to paragraph 1.1 (1) i) 5) E), comply with The Technical Standards to Prevent Objects Falling off Airplanes (Koku-Kan-Sanji No.613, issued on September 27, 2018) (hereinafter referred to as "technical standards").

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 respectively the state of operator and the aviation safety authorities of the state of operator. In addition, the number of Air Operator Certificate 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 be indicated the existence of 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").

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(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 of the aircraft to be used in reference 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 of the aircraft to be used in reference to paragraph 1.1 (2) i) 1), shall not be indicated the existence of SSC(s) regarding the aircraft registration by the ICAO.
- 3) The state issuing airworthiness certificates described in paragraph 1.1 (2) i) 2) (herein after referred to as "the state of airworthiness certification") and the institution issuing the same shall be respectively the foreign state as a contracting state employing the standards, methods and procedures, which were adopted as Annex to the Convention (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 under the said agreement to certify, license or take any other actions in regard to the aircraft concerned) and the aviation safety authority of the foreign state.
- 4) The state of airworthiness certification described in paragraph 1.1 (2) i) 2) shall not be indicated the existence of SSC(s) on the airworthiness, noise and engine emissions of aircrafts by the ICAO.
- 5) Registration mark and type of aircraft described in the airworthiness certificate of the aircraft to be used in reference to paragraph 1.1 (2) i) 2), shall correspond to those of the aircraft registration certificate. If an expiration date is specified, it shall be within the validity period at the time of filing the applications.
- 6) Noise certificate of the aircraft to be used in reference to paragraph 1.1 (2) i) 2) shall prove its compliance with the criteria described in Annex 16 Volume 1 to the Convention.
- 7) Engine emissions certificate of the aircraft to be used in reference to paragraph 1.1 (2) i) 2) shall prove its competence with the criteria described in Annex 16 Volume 2 to the Convention.

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

ii) Matters relating to members of the flight crew

1) The state issuing the documents regarded as Competence Certificates, Aviation Medical Certificates and Aviation English Proficiency Certification described in paragraph 1.1 (2) ii) 1) (hereinafter referred to as “the state of competence certification”) and the institution issuing the same shall be respectively the foreign state as a member state employing the standards, methods and procedures, which were adopted as Annex to the Convention (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 under the agreement to certify, license or take other actions), and the aviation safety authority of the foreign state.

2) The state of competence certification described in paragraph 1.1 (2) ii) 1) shall not be indicated the existence of SSC(s) as to the members of the flight crew by the ICAO.

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

4) Flight crew training to be performed at the facilities described in paragraph 1.1 (2) ii) 2) shall be approved by the aviation safety authority of the state of operator.

iii) Others

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

1.2.2 If the applicants have caused an accident or a serious incident (hereinafter referred to as “accidents, etc.”) within the past one year of the application date, JCAB shall request the aviation safety authority of the states concerned to confirm their safety, depending on the situation.

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

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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 the difference between the current and the proposed plan).

iii) Proposed effective date

iv) Reason for change

(2) Documents which may be required to submit under the provisions of Article 134 paragraph (1) of the Act shall be stipulated in paragraphs 1.1 (1) ii) and 1.1 (2).

2.2 Criteria for review

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

3. 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

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 mark of the aircraft
Same as the provisions of paragraph 1.1 (1) i) 5) B) b)

iii) Names and qualifications of pilot-in- command and flight crew
Names and qualifications described in the documents stipulated in paragraph 1.1 (2) ii) 1)
(Required for all of the flight crew)

iv) Reason for the necessity of the transportation concerned

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v) Route of the flight (indicating points of intermediate stops) and flight legs and schedules intended for the transportation of passengers or cargos for remuneration.

1) Route of the flight and flight legs intended for transportation of passengers or cargos for which remuneration are subject to the same provisions of paragraph 1.1 (1) i) 5) A)

2) Flight schedule shall be described for each flight legs intended for the transportation of passengers or cargos 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 deems necessary.

1) Matters stipulated in paragraph 1.1 (1) i) 3) A) and paragraphs 1.1 (1) i) 5) C) and D)

2) Documents stipulated in the provisions of paragraphs 1.1 (1) ii) and 1.1 (2) (excluding 1.1 (2) i) 6)) shall be submitted. Provided, however, that some parts of the documents may be omitted if so approved by the Director General of JCAB.

3) Matters stipulated in paragraph 1.1 (1) i) 5) E) and the submission of documents stipulated in paragraph 1.1 (2) i) 6) shall be separately determined by the Director of Flight Standards Division, Aviation Safety and Security Department.

3.2 Criteria for review

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

However, items of paragraph 1.2.1 (1) i) 4) shall be separately determined by the Director of Flight Standards Division, Aviation Safety and Security Department..

4. Details of review

Details for the implementation of review shall be separately specified by the Director of 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 obtained or intends to obtain permission under the provisions of Article 129 paragraph (1) or Article 130-2 of the Act (hereinafter referred to as "foreign

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air carriers”), of the state to where SSC(s) were indicated by the ICAO

1.1 Measures to the state of operation of foreign air carriers (hereinafter referred to as “the state of online foreign air carriers”) who were permitted under Article 129 paragraph (1) or Article 130-2 of the Act (hereinafter referred to as “an online foreign air carriers”), the state of registry, the state of airworthiness certification or the state of competence certification (hereinafter collectively referred to as “the state of online foreign air carriers, etc.”) in cases that SSC(s) were indicated by the ICAO.

1.1.1 Measures to online foreign air carriers

(1) As the result of a safety audit conducted to contracting states by the ICAO, 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 were respectively indicated the existence of SSC(s) on any of the aircraft operations, the aircraft registration, the airworthiness of the aircraft or the competence certification, when intending to conduct operations by the aircraft or flight crews with such SSC(s), the following measures shall be taken to the foreign air carriers certified or approved by the above state during the period prescribed in (2) below.

- i) Increase of number of flights, additional airports to be used and changes of aircraft type, etc. under the provisions of Article 129-3 paragraph (2) of the Act shall not be approved.
- ii) JCAB shall endeavor to confirm safety by increasing the frequency of on-site inspections of aircraft that stop at airports in Japan (hereinafter referred to as “ramp inspection”) under the provisions of Article 16 of the Convention and Article 134 paragraph (2) of the Act.

iii) Other required measures

(2) Period for taking measures

The period for taking measures shall be from the ICAO's notification of SSC(s) to the state, through the removal of the indication of SSC(s,) to Japan's confirmation of 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 indicated by the ICAO, JCAB shall inform to the aviation safety authority of the state that measures are taken under the provisions of the above paragraph 1.1.1, and may request the aviation safety authority of the state concerned to notify the online foreign

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air carriers accordingly. In addition, JCAB shall request the aviation safety authorities of the state of online foreign air carriers, etc. to provide the following information and confirm the safety of the online foreign air carriers.

i) Concrete contents of SSC(s)

ii) Information on corrective actions taken for SSC(s)

iii) Any other information required to confirm the safety of the online foreign air carriers

(2) When the indication of SSC(s) was removed by the ICAO, JCAB shall request the aviation safety authority of the state of online foreign air carriers, etc. to provide information on concrete corrective actions taken for the SSC(s) of the state of online foreign air carriers, etc.

1.2 Measures to address requests to start new services to Japan by foreign air carriers which do not operate international air services in Japan (hereinafter referred to as “offline foreign air carriers”), and are certified by the state of operator, the state of registry, the state of airworthiness certification or the state of competence certification (hereinafter collectively referred to as “the state of foreign air carriers, etc.”) with SSC(s) indicated by ICAO or by the state of such offline foreign air carriers.

1.2.1 Measures for an offline foreign air carrier

(1) As the result of a safety audits conducted to contracting states by the ICAO, in case that any of the state of operator, states of registry, states of airworthiness certification or states of competence certification were respectively indicated the existence of SSC(s) on any of the aircraft operations, the aircraft registration, the airworthiness of the aircraft or the competence certification, when intending to conduct operations by the aircraft or flight crews with such indicated SSC(s), permission under the provisions of Article 129 paragraph (1) or Article 130-2 of the Act shall not be given to offline foreign air carriers certified by the above state during the period prescribed in (2) below.

(2) Period for taking measures

Period according 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 to the aviation safety authority of the state of operator that the

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measures have been taken under the provisions of the above paragraph 1.2.1 and request the aviation safety authority of the state to operator to inform the offline foreign air carriers accordingly.

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

2. Measures to foreign air carriers, etc. in case that the state of foreign air carriers, etc. is classified as category 2 (not comply with the 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 by the European Commission (hereinafter referred to as "EC") within the European Union (hereinafter referred to as "in case of indication by the FAA or the EC")

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

2.1.1 Measures to online foreign air carriers

(1) Based on information relating to the safety audits performed by the FAA or the EC, in case that the state of the online foreign air carriers, etc. or the online foreign air carrier was indicated by the FAA or the EC, JCAB shall endeavor to confirm the safety of the online foreign air carrier by increasing the frequency of ramp inspections, etc. for the period of the paragraph (2) below.

(2) Period of taking measures

The period of taking measures is the period during which the state of online foreign air carriers, etc. or the online foreign air carrier is classified as category 2 of the International Aviation Safety Assessment program by the FAA, or during 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 shall endeavor to confirm the safety of online foreign air carriers by requesting the provision of information on the contents of the indicated matters by the FAA or the EC, corrective actions for the indicated matters, and other related information.

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2.2 Measures in the case of requests to enter new services to Japan from states of foreign air carriers, etc. or offline foreign air carriers who are indicated matters by the FAA or the EC.

2.2.1 Measures to off-line foreign air carriers

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

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

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

3. Request for information

The purpose of the request to the aviation safety authority for providing information about SSC(s), etc. and the contents of indicated matters by the FAA or the EC as stipulated in the above paragraphs 1.1.2, 1.2.2, 2.1.2 and 2.2.2 is to confirm the safety of foreign air carriers and shall not be regarded as the purpose to conduct inspection or audit of the aviation safety authorities of concerned.

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 said online foreign air carrier by requesting the aviation safety authority of concerned state to conduct an investigation of causes and take measures for recurrence prevention depending on the situation.

5. On-site inspections of foreign aircrafts

In the light of ensuring the safety of online foreign air carriers, ramp inspections will be conducted.

Chapter IV. Others

Of information relating to foreign states and foreign air carriers, any information, the disclosure of which to parties other than the states and the foreign air carriers may cause damage to the relationship of mutual trust with other countries or an international organizations, shall not be disclosed to parties other than the states and the foreign air carriers concerned.

Supplementary Provisions (September 27, 2018)

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1. This Circular Notice 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 Circular Notice 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 (March 29, 2022)

This Circular Notice shall be applied from April 1, 2022.

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