



## **Application and authorisation procedures for non-scheduled air services**

The provisions concerning application and authorisation procedures for foreign air carriers operating commercial air services to and from Switzerland are set down in the Swiss Federal Aviation Law (SR 748.0) and the Swiss Federal Aviation Ordinance (SR 748.01).

### **1. Documentation**

For the commercial transportation of passengers or cargo by air to and from Switzerland a permit issued by the Federal Office of Civil Aviation (FOCA) is required. Any air carrier planning to perform such flights has to make sure that FOCA has been provided with the following documents:

- Air Operator Certificate (AOC) or Declaration of Competency (attestation issued by the competent aeronautical authorities of the State, in which the air carrier is incorporated and has its principle place of business, that it is entitled to operate international air services in the category applied for);
- Operations Specifications to the AOC (Aircraft Registration Marks) or list of aircraft which the air carrier is entitled and planning to operate (form FOCA 49.06), Certificates of Airworthiness and, if required by FOCA, aircraft noise certificates;
- Proof of sufficient third party legal liability insurance (according to Article 7 of Regulation EC No 785/2004);
- Proof of sufficient passenger liability insurance (according to Article 6 of Regulation EC No 785/2004);
- Evidence that the air carrier is holding a TCO authorisation or has filed a TCO application with EASA;
- Operating Permit Questionnaire (form FOCA 49.12), if required by FOCA;
- For series of flights (more than 3 flights within 3 month): request for an Operating Permit (form FOCA 49.07)

If the application and documentation are complete, FOCA will issue either Single Flight Permits for specific operations or an Operating Permit for regular operations.

### **2. Requests by holders of a current FOCA Operating Permit**

During the term of validity of the Operating Permit issued by FOCA, the air carrier is entitled to perform international air services to/from Switzerland as follows:

- a) 3rd and 4th freedom flights: the programs and schedules have to be filed as mentioned under paragraph 3 below.
- b) 5th and 7th freedom flights: a request has to be addressed to FOCA as mentioned under paragraph 4 below.

### **3. Filing of programs/schedules for 3rd/4th freedom flights**

During the term of validity of the Operating Permit issued by FOCA, the air carrier is only required to file with FOCA its flight programs/schedules for all flights between its home country and Switzerland as follows:

- a) For single flights (up to 3 operations): a request by E-mail or fax preferably on form FOCA 49.01. This request shall reach FOCA at least 3 working days before the date of the first flight.
- b) For series of flights (more than 3 operations): a request by E-mail, postal mail or fax preferably on form FOCA 49.01. This request shall reach FOCA at least 30 days before the date of the first flight.

### **4. Requests for 5th and 7th freedom flights**

An air carrier planning to operate non-scheduled flights for the carriage of passengers or cargo between Switzerland and a third country is required to apply for 5th or 7th freedom traffic rights. The request should contain supplementary information about type of charter, number of passengers expected and details of the charterer.

FOCA seeks for reciprocity to ensure that Swiss air carriers are allowed similar opportunities from the respective foreign authorities and the Swiss air carriers might have the opportunity to object to the flight(s), if they have suitable aircraft available. The consultation with them will be processed by FOCA.

### **5. Requests by applicants not holding a current FOCA Operating Permit**

In addition to the documents mentioned in paragraph 1, the air carrier has to submit:

- a) For single flights (up to 3 operations within 3 month): a request by E-mail or fax preferably on form FOCA 49.01. This request shall reach FOCA at least 3 working days before the date of the first flight.
- b) For series of flights (more than 3 operations within 3 month): a request on the official application form FOCA 49.07 (Request for an Operating Permit) including all required documents. This request shall reach FOCA 30 days before the date of the first flight.

Should you have any questions with regard to the aforementioned procedures, do not hesitate to contact us:

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