



APPLICATION & PROCESS: APPROVAL FOR FOREIGN AOC OPERATIONS

SECTION 1 GENERAL

1.1 PURPOSE

This Advisory Circular (AC) provides guidance for the application and processing of foreign air operators safety applications for operations in Vietnam.

1.2 STATUS OF THIS ADVISORY CIRCULAR

This is an original issuance of this AC.

1.3 BACKGROUND

- A. ICAO SARPs require that Vietnam recognize as valid an air operator certificate issued by another Contracting State, provided that the requirements under which the certificate was issued are at least equal to the applicable Standards specified in the referenced Annexes.
- B. The foreign air operator is obligated to meet and maintain the requirements established by the CAAV for operations in Vietnam.
- C. The basis for the allowing operations between different States is found in the ICAO Convention of 1944. (Vietnam is a signatory to that Convention - which is treated as an international treaty between States.) Articles 3 through 6 outline the general relationships that are applied. A portion of Article 6 is presented here to emphasize the key part of this "treaty."
- D. As a part of the 1944 Convention, all Contracting States agree to comply with Standards and Recommended Practices of "Annexes" to the Convention. ICAO amended Annex 6 in 2008 to require a State to surveil and review foreign air operators.
- E. VAR Part 22 was promulgated to establish requirements for foreign operators to must be in conformance with the applicable SARPs and special Vietnam requirements when operating in Vietnam.

Article 6

Scheduled air services

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

1.4 APPLICABILITY

This AC is applicable to all foreign operators engaged in commercial air transport operations of aircraft to, from or within Vietnam.

- Advisory Circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.
- Where an AC is referred to in a 'Note' below the regulation, the AC remains as guidance material,
- ACs should always be read in conjunction with the referenced regulations.

1.4.1 DEFINITIONS & ACRONYMS

- A. The following definitions are used in this advisory circular—
- 1) **Commercial air transport.** An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.
 - 2) **Cabotage.** This word is used to describe the conduct of commercial air transport operations between aerodromes within a country by a foreign operator.
 - 3) **Co-Terminalization.** This phrase refers to a 3rd freedom operation where the operator departs from the home country and deplanes passengers at airports in several countries without picking up passengers, then retraces the route as a 4th freedom flight, picking up passengers whose destination is its home country.
 - 4) **“Freedoms “** As used in this AC, this word refers to the original five freedoms of flight defined in the 1944 International Air Transit Agreement (see ICAO Doc 7500), which include—
 - ◆ Right of overflight (1st Freedom)
 - ◆ Right to make a technical stop (2nd Freedom)
 - ◆ Right to fly from the homeland to another State (3rd Freedom)
 - ◆ Right to fly from another State to the homeland (4th Freedom)
 - ◆ Right to flight to or from a State not involving the homeland (5th Freedom)
 - 5) **Foreign AOC holder** (or Foreign Air Operator). The holder of an AOC from a State of the Operator other than Vietnam.
 - 6) **Homeland.** The State in which the operator was issued an AOC.
- B. The following acronyms are used in this advisory circular—
- 1) **AC** – Advisory Circular
 - 2) **AOC** – Air Operator Certificate
 - 3) **CAAV** – Vietnam Civil Aviation Authority
 - 4) **CAAV-FSSD** – CAAV Flight Safety Standards Department
 - 5) **FAOC** – Foreign Air Operator
 - 6) **ICAO** – International Civil Aviation Organization
 - 7) **VAR** – Vietnam Aviation Regulation

1.5 RELATED REGULATIONS

VAR Part 22 is the only Vietnam regulation directly applicable to this advisory circular.

1.6 RELATED PUBLICATIONS

For further information on this topic, organizations are advised to review the following publications and regulatory requirements—

- 1) International Civil Aviation Organization (ICAO)
 - ◆ Doc 7500, International Air Transit
 - ◆ Doc 8335. Manual on Operations Certification

Copies may be obtained from Document Sales Unit, ICAO, 999 University Street, Montreal, Quebec, Canada H3C 5H7.

SECTION 2 GENERAL INFORMATION

- A. All foreign AOC holders operating into Vietnam are subject to the requirements to obtain approval for commercial air transport operations in Vietnam.
- B. All foreign AOC holders operating into Vietnam will be expected to obtain CAAV operations specifications for operations into Vietnam.
- C. Part 22 of the Vietnam Civil Aviation regulation requires that foreign air operators (AOC holders) complete an evaluation by the CAAV to ensure that the airline is receiving adequate safety oversight by the State of the Operator.
- D. Upon satisfactory evaluation, the foreign AOC holder will be granted operating specifications which specify any permissions and limitations as may be prescribed by the CAAV.
- E. After the CAAV approval, the foreign AOC holder will be entered into the annual required inspection plan, and subject to ramp and document inspections on both a planned and no-notice basis.

SECTION 3 CONTENTS OF APPLICATION PACKAGE


- A. Each foreign air operator intending to conduct commercial air transport operations to and from Vietnam must file an application at least 30 days prior to the first scheduled flight.
- B. That application package must contain—
 - 1) Completed application for Foreign AOC Operations specifications;
 - 2) Air Operator Certificate (issued by State of the Operator); and
 - 3) AOC Operations Specifications (issued by State of the Operator).
 - 4) For all aircraft to be operated—
 - (a) Copy of Registration Certificates
 - (b) Copy of Aircraft Insurance policy (naming each aircraft);
 - (c) Copy of leasing arrangements;
 - 5) Explanation of maintenance arrangements while in Vietnam (including evidence that these arrangements are acceptable to the State of Operator and Registry);
 - 6) Approval page for minimum equipment lists specific to the make, model and series of aircraft to be operated;
 - 7) Security program and arrangements while in Vietnam;
 - 8) Explanation of ground handling arrangements while in Vietnam;
 - 9) Explanation of aircraft dispatch arrangements while in Vietnam;
 - 10) If applicable, explanation of arrangements for the handling of dangerous goods loading and notifications for operations in Vietnam.

- The application package must contain all of the items specified in this list or it will be rejected.
- The CAAV does not process “pieces” of an application.

SECTION 4 COMPLETION OF FAOC APPLICATION

Prior to conducting commercial air transport operations in Vietnam, a foreign operator must apply for and be approved for these operations.

- The application for Foreign AOC operations specifications is available from the CAAV-FSSD.

	APPLICATION FOR FOREIGN AOC OPERATIONS SPECIFICATIONS	INSTRUCTIONS Print or type. Do not write in shaded areas, these are for CAAV use only. Submit original only to the Flight Safety Standards Department or a CAAV Authorized Person. If additional space is required, use an attachment.
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4.1 SECTION A: APPLICANT INFORMATION

A. APPLICANT INFORMATION:			
1. COMPANY REGISTERED (AND TRADING) NAME	4. PERMANENT ADDRESS: PRINCIPAL PLACE OF BUSINESS (Street or Postal Number)		
2. CENTRAL TELEPHONE & FAX NUMBERS	5. CITY	STATE/PROVINCE	MAIL CODE COUNTRY
3. ICAO 3-LETTER DESIGNATOR	6. PROPOSED START DATE & FIRST AERODROME OF ENTRY		

The applicant information section of the FAOC application must be completed in full with specific information that includes—

- Both the company's registered name and trading name must be entered;
- The central telephone and fax numbers;
- The ICAO 3-letter designator that has been given to the operator;
- The complete address for the principal place of business.
- The proposed date of the first flight; and
- The first Vietnam airport of entry.

4.2 SECTION B: MANAGEMENT CONTACTS

B. MANAGEMENT CONTACTS:		
1. NAME & TITLE OF OPERATIONS DIRECTOR	PHONE #	E-MAIL
2. NAME & TITLE OF MAINTENANCE DIRECTOR	PHONE #	E-MAIL
3. NAME & TITLE OF VIETNAM-BASED OPERATOR REPRESENTATIVE	PHONE #	E-MAIL

The key management contacts for this operator must be entered, with their—

- 1) Phone number for immediate contact; and
- 2) Email address for routine contact.

4.3 SECTION C: APPROVALS REQUESTED

C. APPROVALS REQUESTED:			
YES?	APPROVALS	YES?	APPROVALS
<input type="checkbox"/>	1. Over-Flights & Technical Stops (1 st & 2 nd Freedom)	<input type="checkbox"/>	6. Passengers & Cargo
<input type="checkbox"/>	2. Commercial Landing & Departure (3 rd & 4 th Freedom)	<input type="checkbox"/>	7. Cargo Only
<input type="checkbox"/>	3. Commercial Co-Terminalization (3 rd & 4 th Freedom)	<input type="checkbox"/>	8. Scheduled Operations
<input type="checkbox"/>	4. Commercial Landing & Departure (5 th Freedom)	<input type="checkbox"/>	9. Charter Operations
<input type="checkbox"/>	5. Cabotage (Attach Explanation Letter)	<input type="checkbox"/>	10. Dangerous Goods

A. The possible approvals requested will be in two different groups.

- B. The left columns are provided for the operator to clarify the traffic rights that will be exercised, including—
- 1) Over-flights (1st Freedom) and technical stops (2nd Freedom) are normally authorized where Vietnam AOC holders may have reciprocal rights;
 - 2) Commercial air transport flights from the State of the Operator to an aerodrome in Vietnam (3rd Freedom) and from Vietnam back to that State (4th Freedom) are normally authorized where Vietnam AOC holders have reciprocal rights;
 - 3) Co-terminalization. A flight from the State of the Operator to a city in Vietnam to deplane passengers, then without emplaning passengers in Vietnam, continuing on to an aerodrome in another State to deplane additional passengers. A reverse trip will normally be conducted emplaning passengers.
 - 4) Fifth freedom flights would include emplaning passengers in Vietnam for flights to aerodromes not located in the homeland.
 - 5) Cabotage traffic rights will not normally be issued by Vietnam.
- C. The right columns are self-explanatory. The applicant should check all that are requested..

4.4 SECTION D: AERODROME APPROVALS REQUESTED

D. AERODROME APPROVALS REQUESTED: (Additional aerodromes may be listed on a separate attachment)					
AERODROME NAME		ICAO	IATA	AERODROME NAME	
1.				6.	
2.				7.	
3.				8.	
4.				9.	
5.				10.	

The applicant should list each aerodrome in Vietnam where operations are intended. The ICAO and IATA designators should be provided to ensure there is no misunderstanding of the intended destinations.

4.5 SECTION E. ADDITIONAL APPLICATION ATTACHMENTS

E. ADDITIONAL APPLICATION ATTACHMENTS: (Additional application documents may be listed on a separate attachment)		
<input type="checkbox"/> 1. Air Operator Certificate (copy)	<input type="checkbox"/> 5. Aircraft Insurance Certificate	<input type="checkbox"/> 9. Ground Handling Arrangements
<input type="checkbox"/> 2. Operations Specifications (copy)	<input type="checkbox"/> 6. Leasing Arrangements	<input type="checkbox"/> 10. Flight Dispatch Arrangements
<input type="checkbox"/> 3. Vietnam Traffic Rights (Economic)	<input type="checkbox"/> 7. Vietnam Maintenance Arrangements	<input type="checkbox"/> 11. Dangerous Goods Handling
<input type="checkbox"/> 4. Aircraft Registration Certificates	<input type="checkbox"/> 8. MEL (Approval Page)	<input type="checkbox"/> 12. Other (See Reverse)

- A. Items 1 through 10 are mandatory attachments for all of applications.
- B. Item 11 will require a separate review to ensure that all aspects of such operations, with emphasis on notifications and handling, are reviewed prior to these operations.
- C. Other attachments could be listed in Section I.

4.6 SECTION F: STATE OF OPERATOR INFORMATION

F. STATE OF OPERATOR INFORMATION:	
1. STATE OF OPERATOR	2. DIRECTOR-GENERAL
2. NAME OF CIVIL AVIATION AUTHORITY	4. CAA PERMANENT ADDRESS (Street or Postal Number)
5. CENTRAL TELEPHONE & FAX NUMBERS	6. CITY STATE/PROVINCE MAIL CODE COUNTRY
7. CAA OPERATIONS CONTACT	8. CAA AIRWORTHINESS CONTACT

- A. The applicant must provide the specific information regarding the State that issued the AOC. The CAAV will be in contact with that CAA during the application process.
- B. The specific operations and airworthiness contact persons are particularly important.

4.7 SECTION G: AIRCRAFT TO BE OPERATED

G. AIRCRAFT TO BE OPERATED: <small>(Additional aircraft may be listed on a separate attachment)</small>							
#	AIRCRAFT MAKE/MODEL/SERIES	AIRCRAFT REGISTRATIONS#	AIRCRAFT SERIAL NUMBER	RVSM	ETOPS	Noise	STATE OF REGISTRY
1.							
2.							
3.							

- A. The applicant must list each aircraft that will be operated into Vietnam.
- B. These aircraft will be incorporated into the operations specifications issued by the CAAV.
- C. If the State of Registry for any of the aircraft is other than the State of the Operator, it must be listed in the right column. The maintenance oversight and documentation will be reviewed on a case-by-case basis in these situation.

4.8 SECTION H: STATE OF REGISTRY INFORMATION

H. STATE OF REGISTRY INFORMATION: <small>(If more than 1 State of Registry, additional SORs may be listed on a separate attachment)</small>	
1. STATE OF REGISTRY	2. DIRECTOR-GENERAL
2. NAME OF CIVIL AVIATION AUTHORITY	4. CAA PERMANENT ADDRESS (Street or Postal Number)
5. CENTRAL TELEPHONE & FAX NUMBERS	6. CITY STATE/PROVINCE MAIL CODE COUNTRY
7. CAA PERSONNEL LICENSING CONTACT	8. CAA AIRWORTHINESS CONTACT

- A. This section may be left blank if all aircraft are registered in the State of the Operator.
- B. Where the State of Registry is not the State of the Operator, this section must be completed.
- C. If more than one State of Registry listing is necessary, provide a separate attachment to the application containing this information.

4.9 SECTION I: ADDITIONAL INFORMATION

I. ADDITIONAL INFORMATION PERTINENT TO THIS APPLICATION: This space is provided for inclusion of information could not be inserted in the available category and spaces provided on front of form.
[Empty space for additional information]

This section should be used to provide brief introductions for additional attachments to the application.

4.10 SECTION J: APPLICANT CERTIFICATION

J. APPLICANT'S CERTIFICATION— The undersigned certify that all statements and answers provided on this application form and as attachments are complete and true to the best of my knowledge and agree that they are to be considered as part of the basis for issuance operations specifications.		
A person shall not with intent to deceive or make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such approval.	DATE	OPERATIONS DIRECTOR SIGNATURE:
	DATE#	MAINTENANCE DIRECTOR SIGNATURE
	DATE:	VIETNAM-BASED OPERATOR REPRESENTATIVE:

This application should be signed by the individuals named in Section B. It is a certification that each of these individuals has reviewed the application for completeness and accuracy.

SECTION 5 PROCESSING OF THE APPLICATION

5.1 PRE-APPLICATION

The applicant is entitled to a meeting with the CAAV-FSSD to receive a detailed briefing of the—

The applicant should schedule this meeting at least 15 days in advance.

- 1) Assigned inspectors and protocol for contacts;
- 2) Applicable regulations;
- 3) Completion requirements for the application;
- 4) Overall process; and
- 5) On-going relationship of the CAAV and foreign operators.

5.2 INITIAL APPLICATION REVIEW

As a courtesy to the applicant, the CAAV-FSSD will assign two inspectors to—

The applicant should schedule this meeting at least 5 days in advance.

- 1) Meet with the applicant's representative;
- 2) Intake the submission of the application package;
- 3) Review its contents; and
- 4) Make a decision regarding its acceptability for processing during this meeting.

5.3 DOCUMENT EVALUATION

- A. The CAAV-FSSD will have at least two inspectors conduct an evaluation of the—
- 1) Application;
 - 2) Supporting documents; and
 - 3) Safety oversight arrangements.
- B. At this time, the CAAV will make a decision as to whether an on-site visit to the applicant's base is required.

The applicant may submit additional documentation to validate the safety posture of their operations.

5.4 ON-SITE EVALUATIONS

- A. The CAAV will visit with organizations and personnel specified in the application that located in Vietnam to confirm their capability.
- B. The CAAV will visit the operator's operations and maintenance base to confirm their arrangements, capability and oversight.

5.5 ISSUE OF CAAV OPERATIONS SPECIFICATIONS

If the CAAV is satisfied with the applicant's capability and oversight, the applicant will be issued Foreign AOC Holder Operations Specifications authorizing commercial air transport operations to and from Vietnam.

5.6 INSPECTION OF FOREIGN AOC HOLDER

- A. The CAAV will conduct an ramp inspection of the operator's first commercial air transport flight into Vietnam.
- B. After that inspection, the operator will be subject to additional planned and no-notice inspections, but the CAAV will make every effort to conduct these inspections rapidly during normal turnarounds.

The CAAV recommends that the operator's first flight into Vietnam be scheduled with at least a 2 hour turnaround time to avoid a delay for this critical inspection.

SECTION 6 RAMP INSPECTIONS & RESOLUTION OF SAFETY CONCERNS

6.1 GENERAL

- A. All foreign AOC holders operating into Vietnam are subject to ramp inspection upon arrival or prior to departure from Vietnam.
- B. Vietnam is entitled, by Article 16 to the Convention on International Civil Aviation, to—
- 1) Search aircraft from other States on landing and departure; and
 - 2) Inspect the certificates and other documents prescribed by ICAO, provided there is no unreasonable delay to the operation.
- C. Vietnam, as an ICAO Contracting State, is also required to implement a programme with procedures for the surveillance of operations in their territory by a foreign operator and for taking appropriate action when necessary to preserve safety.

The supporting ICAO Standard is located in—

- Annex 6, Part 1, Paragraph 4.2.2.2
- Annex 6, Part 3, Paragraph 2.2.2.2

6.2 PREVENT FLYING ORDER

A. ICAO Standards provide for Vietnam to prevent a damaged foreign aircraft from resuming its flight operation on the condition that the CAA shall advise the State of Registry immediately.

The supporting ICAO Standard is located in—
● Annex 8, Part II, Paragraph 3.6

B. The State of Registry then will consider the airworthiness of the aircraft and—

- 1) Prohibit the aircraft from resuming flight until it is restored to an airworthy condition; or
- 2) Permit the aircraft to resume its flight, if considered airworthy; or
- 3) Permit the aircraft to conduct a non-commercial air transport operation, under prescribed limiting conditions, to an aerodrome at which it will be restored to an airworthy condition.

In this situation, the operator of the aircraft must get a special flight authorization from the CAAV to depart from or overfly Vietnam air-space.

6.3 IMPORTANT VIETNAM SAFETY CONCERN REGULATION REFERENCES

A. VAR Section 22.030 outlines the requirement by which the CAAV—

- 1) May at any time and any place in Vietnam, board a foreign aircraft;
- 2) Will inspect documents, manuals, aircraft, payload and crew;
- 3) Shall not be obstructed or impeded in accessing of locations necessary to these inspection; and
- 4) If impeded during inspection, may have the local law enforcement authorities detain the aircraft and crew;

B. VAR Section 22.035 directs that, at the request of the CAAV, all documents, manuals, licenses, certificates and other records for a specific flight operation in Vietnam shall be provided to the CAAV personnel with a reasonable time;

C. VAR Section 22.040 directs that any reports, documents or records, including flight recorder information, related to operations in Vietnam must be preserved as directed by the CAAV.

D. VAR Section 22.045 specifically requires to aircraft operators, their representatives and crew to comply with a CAAV Prevent Flying Order and advises that failure to comply may result in detention by law enforcement.

E. VAR Section 22.050 outlines the methodology regarding how and to whom the CAAV will make notifications of safety concerns, including the provision for direct talks with the State of the Operator concerning the safety standards maintained by the operator.

SECTION 7 OPERATOR AMENDMENTS & RENEWALS

7.1 CHANGES TO THE DOCUMENTS SUBMITTED WITH THE APPLICATION

During the validity period of the operations specifications, the operator is expected to monitor any changes that occur to documents or arrangements submitted with the original application and provide any revisions to the CAAV.

7.2 CAAV-OPERATOR ON-GOING RELATIONSHIPS

The CAAV will be conducting inspections of the operator during the validity period of the operations specifications.

- The operator is expected to facilitate those inspections and access of the CAAV inspectors to the operator's aircraft, records and facilities.
- The operator is expected to make corrections of any findings provided by the CAAV and advise when those corrections are implemented.
- The operator understands that the CAAV will be providing any findings of more than a minor nature to the State of the Operator's CAA.
- The operator understands that repetitive findings of a major or significant nature will be a basis for suspension of the operations specifications.

7.3 APPLICATION FOR RENEWAL

- A. The applicant is expected to track the validity of their documentation for operations in Vietnam and make application for renewal at least 15 days prior to the expiration date.
- B. The applicant must provide the formal application checklist and indicate those elements that have changed since the original application.
- C. Any documents required on the original application which have changed must be submitted with the applications.

End of Advisory Circular