# MEASURES ADOPTED ON 28 FEBRUARY CONCERNING THE CLOSURE OF EU AIR SPACE

(28 February, Version 1)

## FREQUENTLY ASKED QUESTIONS

1. Is a non-Russian operator that operates a Russian registered aircraft affected by the measures?
    - Yes – the measures prohibits flights of not just Russian air carriers, but also of all Russian registered aircraft, regardless of operator,.

2. Does this ban concern also private (i.e. non-commercial) flights of aircraft owned or rented by Russian citizens or Russian companies?
    - Yes, also private aircraft are included in the ban. This means that also e.g. private business jets are banned.

3. Does this ban concern EU or third-country registered aircraft which are rented by Russian citizens?
    - Yes.

4. Our company has been requested to provide a service but we are not sure whether it is covered by the new measures. What are our responsibilities?
    - In case of doubt you can always contact the competent authorities of the MSs or the European Commission.
    - But it is important to keep in mind that Article 12 of Council Regulation (EU) No 833/2014, as amended by Council Regulation (EU) 2022/334, on 28 February 2022, states that it is prohibited to participate in activities the object or effect of which is to circumvent prohibitions in this Regulation.
    - Moreover, companies are also recommended to report attempts of circumvention to the local authorities.

5. We have leased a non-Russian registered aircraft to a Russian operator. Can we fly the aircraft back from Russia?
    - If the leasing contract is cancelled to the effect that the aircraft is no longer operated or controlled by a Russian entity, it is not covered by the EU Sanctions and may return to the EU without problems. It may also be returned under the exceptions provided for the Regulation with the specific and duly justified permission of the relevant Member State(s) even if the contract has not been cancelled.

6. How can we enforce the rules as regards “non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body” since we do not know about the parties behind e.g. an EU registered private aircraft?
    - It is correct that in particular for overflights, immediate control and enforcement will be difficult. However, the States should brief their ramp check personnel to pay particular attention to this regulation, when checking aircraft that have landed on their territory. In addition to checking documents, the crew should be asked questions about passengers etc. It should also be kept in mind, and communicated to stakeholders, that any entity that is found to have breached the sanctions or participated or assisted in circumventing them, may face consequences.

7. Does the ban cover just Member States own airspace, or also high-seas airspace controlled by the said Member State.
    - The Regulation applies to the territory of the Union. High seas airspace is therefore not covered by the regulation. Only Member States own airspace is covered.

8. NOTAM text: We do not expect Russian Search & Rescue aircraft to operate in our airspace. Do we need to include this mention in the NOTAM?
    - It is better that each State publishes an identical NOTAM, to avoid any confusion about whether the EU MS are acting in a coordinated manner, or whether some MS might have different rules. If there are no SAR flights in one States airspace, then this mention remains a dead letter, but at least it avoids confusion about having a common line in the EU.

9. What is the point of mentioning one-way returns? Is this not contradicting the legal text?
    - The mention aims to facilitate the return flights for aircraft owned by the EU leasing companies. Once the leasing contract is terminated by the leasing company, the aircraft is no longer affected by the ban and may be flown back but States may also authorise a return in accordance with Article 3d(3) of Council Regulation (EU) No 833/2014, as amended by Council Regulation (EU) 2022/334, on 28 February 2022, even if the contract has not been terminated yet.

10. Do we need to specifically authorise also humanitarian or SAR flights, or does this requirement apply only to leased flights?
    - The requirement for carrying a specific authorisation applies to all these flights. Otherwise an overflight might be able to circumvent the rules by simply claiming to be humanitarian flight.

11. Does the ban apply also in case of a person who is a dual citizen (e.g. has both Russian and EU passports)?
    - Yes, they remain citizens of Russia, even if they also hold a second passport from elsewhere.

12. Do these restrictions apply to Russian citizens having a permanent stay permit within the EU Member State as well?
    - Yes, they do.

13. Are repatriation flights carrying Russian citizens back to Russia allowed with aircraft that would be otherwise banned?

    Genuine repatriation flights could be considered in the context of the regulation. Measures to ensure that repatriation flights are genuine could be the following:

    - The operator must demonstrate that the flight is genuinely a repatriation, and not just a regular scheduled flight that happens to have missed the start of the ban. E.g. a plane flying in empty to pick up pax;
    - Passengers should be identified by the local consulate;
    - The plane must only carry Russian citizens and residents without return flight or connecting flight outside Russia;
    - Authorities must check every pax to determine genuine repatriation;
    - A flight with just a handful of pax on board could be an indication that the flight is not genuinely a repatriation flight; same goes for a flight operated by private or business jet;

- A flight after 48h from the entry into force of the ban is very likely not a genuine repatriation flight; additional checks may be required.
- Authorities should also consider that repatriation could also take place through other flight connections and other modes of transport.

14. Do these restrictions apply also to Russian citizens owning EU legal persons that registered the aircraft in the EU Member State?
    - Yes they do. Please note the wording in Article 3d, which says "or for any non-Russian-registered aircraft which is owned or chartered***, or otherwise controlled*** by any Russian natural or legal person". The intention of this wording is to avoid the possibility of circumventing the rules by some legal construct.

15. Do these restrictions apply also to an aircraft that has been in maintenance in the EU and would now return to Russia?
    - Yes. A maintenance return flight would not qualify as a humanitarian flight or one that is compatible with the objectives of this Regulation.

16. What is the process to coordinate with the Network Manager for flights to which derogations are issued?
    - To ensure that the Network Manager can handle all information related to derogations, the following process should be used until further notice:
        i. Operators need to seek derogation (including humanitarian) from the competent authority of each State they wish to fly to/over/from. This is applicable for flights intended in any EU State, as well as for flights intended in any additional State that has banned flights via NOTAM. An overview of the NOTAMs issued for the Eurocontrol Network Manager (NM) area in relation to the Ukraine crisis can be found in the NM NOP portal https://www.public.nm.eurocontrol.int/PUBPORTAL/gateway/spec/index.html
        ii. Once all necessary approvals have been received, and minimum 1 hour before the flight plan is filed, contact the NM Operations Centre (NMOC) Operations Manager (OM) via email to inform of the flight for which the necessary authorisations have been received. Please include c/s, ADEP, ADES and EOBT in the email (to: nm.om@eurocontrol.int; cc: nm.ifps.spvr@eurocontrol.int). The NMOC OM will then ensure that the flight plan is not rejected by the NM system.
        iii. The flight plan must be filed with a remark: Authorisation received from …(listing all the relevant/approving States within the NM area)