



REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 96 of 10 August 2007

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to the combined provisions of Articles 5 and 11 of Law no. 9 of 16 January 2001, of Article 2, first paragraph, letter b) of Decree no. 73 of 21 June 2002 and of Article 3 of Law no. 87 of 30 October 1992;

Having regard to Government Decision no. 1, adopted during its sitting of 23 July 2007;

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;

Promulgate and order the publication of the following Delegated Decree:

RULES IMPLEMENTING LAW NO. 9 OF 16 JANUARY 2001 ON CIVIL AVIATION

Art. 1

(Background and scope of application)

1. This Decree is adopted in conformity with Laws no. 87 of 30 October 1992 and no. 9 of 16 January 2001 and shall regulate aviation activities falling within the competence of the Civil Aviation and Maritime Navigation Authority of the Republic of San Marino (CAA-MNA-SMR), hereinafter referred to as Authority.
2. To carry out its activities, the Authority may also relay on the collaboration of third bodies at an international level.
3. In conformity with specific regulations, the Authority shall apply a quality system recognised and certified according to international standards in this field.
4. The terms used in this Decree shall refer to the definitions recognised by the Chicago Convention of 7 December 1944 and Annexes thereto.

Art. 2

(Sources of law)

1. In conformity with Laws no. 87 of 30 October 1992 and no. 9 of 16 January 2001, the legislation on civil aviation shall be in line with the provisions of the Chicago Convention of 7 December 1944 and Annexes thereto. To this end, the Civil Aviation Authority shall periodically update technical regulations in order to implement ICAO Annexes and the relevant amendments and it shall notify any differences as provided for in international regulations.
2. Moreover, technical provisions shall be aligned with regulations issued by the Joint Aviation Authorities (JAA) and by the EASA (European Aviation Safety Authority), if these are deemed to be applicable.
3. The rules and provisions on civil aviation referred to in the preceding paragraphs shall be introduced through the following:
 - a) Law or Delegated Decree in all cases where this is specifically requested or necessary to introduce criminal provisions;

- b) Administrative Circular from the Civil Aviation Commission in case of: regulations concerning sports activities not involving the operation of an aircraft, parachuting, paragliding, hang-gliding, swinging devices or carriages and similar devices;
- c) Regulation, Procedure, Circular or Order from the Authority, for the issuance of technical regulations and procedures implementing the commitments undertaken by the Republic of San Marino following its adhesion to the International Civil Aviation Organization. The regulations and procedures issued by the Authority shall be available at its headquarters, as well as at any aviation infrastructure, and shall be published also through telematic means.

Art. 3

(Derogations from regulations issued by the Authority)

1. On the basis of valid and well-grounded reasons, derogations from the regulations and procedures referred to in the preceding Article, letter c) may exceptionally be proposed.
2. Any interested person may submit a written request to the Director General in order to derogate from a specific requirement provided for in the technical regulations issued by the Authority.
3. The request shall be submitted at least 90 days before the date on which the relevant regulation is due to enter into force and shall contain the following:
 - a) name and surname of the requesting party;
 - b) indication of the specific requirement for which the derogation is requested;
 - c) indication of the interest and of the reasons why the derogation is requested, including the relevance of the derogation for the parties involved and indication of these parties;
 - d) any information, study and argument supporting the request;
 - e) examination of the relevance of the derogation with regard to safety of flight.
4. Once the request has been received, the Director General shall enter an abstract of the request in a specific register, published through telematic means, in order to enable any interested party to submit written comments within 30 days from the date of publication.
5. Before adopting a decision, the Director shall examine all comments received from the interested parties and may resort to external advisers.
6. The request shall be rejected in case of non-compliance with law provisions or with the standards envisaged by ICAO regulations.
7. The request shall be assessed through verification of impacts on the safety of flight and risk analysis.
8. The rejection or admission of the request shall be notified to the interested party and entered in the above-mentioned register.
9. Exceptions concerning sensitive data shall not be public.
10. The costs of the procedure shall be borne by the requesting party at hourly fee.

Art. 4

(Powers of the Director General)

1. The Director General, the Secretary General and the officials of the Authority shall have the title of public officials in the performance of their functions.
2. The Director General:
 - a. shall legally represent the Authority;
 - b. shall classify the documents that can be disseminated without any authorisation;
 - c. shall sign or delegate other persons to sign documents and certificates issued by the Authority;
 - d. shall inform the Minister of Transport about the name of the official delegated to perform the functions on his behalf;
 - e. shall suspend or revoke measures taken by the Authority for the purpose of ensuring safety of flight;

- f. shall have the right to access, also through delegated officials or staff, in a reasonable time, any aircraft, aerodrome or other place or document, for the purpose of ensuring safety and legality of aviation activities;
 - g. shall adopt, in case of urgency, non-delayable measures necessary to guarantee the continuation and the safety of civil aviation activities, possibly to be submitted to the competent authorities for their ratification.
3. The Director General, officials or delegates of the Authority shall have the power to prevent, for the purpose of aviation safety or on any other serious ground, the operation of San Marino aircraft or of aircraft present in the territory of the Republic of San Marino. They shall also have the power to prevent the use of pilots' licences or other flight documents for the above-mentioned reasons. In the exercise of such powers, they may rely on the collaboration of the competent police or airport authorities.

Art. 5

(Staff qualifications, responsibilities and training)

1. In conformity with international rules, the Authority shall adopt a specific regulation concerning training procedures for technical staff, including in relation to the third bodies referred to in Article 1, paragraph 2. In particular, three levels of training shall be provided:
 - initial training;
 - periodical training;
 - specialised training.
2. To this end, a specific annual training plan shall be developed on the basis of an ad hoc technical regulation.
3. The Authority shall also verify, at least annually, that the relevant training level is maintained for each employee.
4. For each technical function, a specific document relative to minimum qualification, minimum experience and description of functions shall be drafted.
5. No employee or delegated official shall be entrusted with the performance of functions involving controls on aircraft airworthiness, flight operations and flight licences without having achieved or maintained the minimum level envisaged in the document referred to in the preceding paragraph.

Art. 6

(Fees relative to the services provided by the Authority)

1. The Regulation concerning the fees for the activities carried out shall be proposed by the Executive Committee of the Authority and approved through Government Decision.
2. The relevant fees shall be subsequently updated through an administrative measure by the Director General of the Authority.
3. The charges levied shall include all kinds of taxes applied to the documents received or issued by the Authority.

Art. 7

(Aircraft Register)

1. The Register established pursuant to Article 8 of Law no. 9 of 16 January 2001 shall have declaratory value and shall certify the ownership and airworthiness of any aircraft.
2. The Aircraft Register shall be kept in computer form; the documents shall be kept at the headquarters of the Authority.
3. The protection of sensitive data obtained and relative to individuals shall be guaranteed.
4. Special rules may be envisaged for the keeping of registers relative to aircraft defined as "microlight" by technical regulations.

5. The Authority shall be the body responsible for the legal and administrative discipline of aircraft.
6. The Aircraft Register shall be public and available to anyone for consultation or to request abstracts thereof.
7. Computerised collection of data and their processing shall allow to obtain, at the same time, information on both the aircraft and the owner, also through the printing of the relevant certificates.
8. The immutability and keeping of data obtained and stored electronically shall be guaranteed through their duplication and storage in different places specifically envisaged.

Art. 8

(Register of recognised technicians and organisations)

1. The Register of recognised technicians and organisations shall include individuals and legal persons authorised as experts and technicians in the aviation field.
2. The registration shall be made upon payment, except for bodies or authorities in case of public interest.
3. An administrative measure of the Civil Aviation Authority will establish the requirements necessary for registration and examination procedures, as well as the requirements and criteria relative to the conversion of foreign professional qualifications according to international rules in this field.

Art. 9

(Register of Navigators)

1. The Register of Navigators shall include individuals entitled to operate aircraft or to perform crew functions, whose certificates shall be issued by the Republic of San Marino following conversion of a foreign authorisation or the passing of the relevant test.
2. A regulation of the Civil Aviation Authority will establish registration requirements and the relevant test, or the procedures to convert professional qualifications issued abroad according to international rules in this field.

Art. 10

(Registration marks)

1. Any aircraft shall be entitled to air navigation provided that it is included in the specific registers and that it has a nationality and registration mark, also indicated on a plate made of fire-resistant material.
2. When the aircraft is entered in the San Marino register, the Authority shall issue a nationality mark consisting of the initials T7 and, separated by a hyphen (-), a registration mark consisting of a group of three alphabetical digits, which are different for each aircraft.
3. The alphabetical digits shall be written in lower case Roman without any decorations or ornaments; the numbers shall be written in Arabic numerals without any decorations or ornaments.
4. Registration marks with characters likely to be confused with special urgency or service signals shall not be assigned.
5. The reservation of marks and the issuance of provisional registration marks shall be admitted.

Art. 11

(Aircraft registration)

1. The aircraft shall have the nationality of the State where it is registered in conformity with Annex 7 to the Chicago Convention of 7 December 1944 (ICAO).

2. The Authority shall be the body entrusted with the registration of aircraft.
3. The aircraft register shall be kept by the Civil Aviation Authority in order to publish the rights in rem in respect of aircraft registered in the Republic of San Marino.
4. The owner of an aircraft shall be the owner of all its parts; however, upon request of the owner, it shall be possible to expressly enter in the register propulsion units or separate parts relative to the aircraft on which these units or accessories are or will be installed.
5. Contracts relative to the purchase or transfer of aircraft shall be valid only if drawn up in writing.
6. Bona fide possession of an aircraft for five consecutive years from the date of registration in the register shall determine the impossibility for any person to challenge ownership thereof.
7. The data contained in the register shall have declaratory effectiveness; they shall acquire constitutive effectiveness when they concern the registration of mortgages or privileges.
8. The data contained in the register may be opposed to third parties.
9. The register shall contain the following data:
 - a) progressive number of registration;
 - b) type and model of the aircraft;
 - c) manufacturer's serial number;
 - d) nationality and registration marks;
 - e) owner;
 - f) transfers of ownership;
 - g) collateral rights or rights of use;
 - h) exclusion;
 - i) notes and observations.

Art. 12

(Registrations, nationality and notes)

1. Any aircraft shall be entered in the aircraft register after having identified the instruments relative to its ownership and availability.
2. The register shall also include a reference to the deeds with which ownership is transferred and, in general, to the deeds relative to the legal status.
3. Registration may be requested by any individual or legal person residing in the Republic of San Marino that owns an aircraft or to whom the aircraft is effectively available under the conditions established by the Authority. The Congress of State (Government) may, with a reasoned act and on special grounds, authorise the registration in favour of non-residents.
4. Inclusion in the register shall be officially documented by the registration certificate, which shall always be kept aboard the aircraft and which shall certify the ownership or availability of the aircraft.
5. If the owner is a person different from the user, the registration certificate shall include the data relative to both persons.
6. Any aircraft already included in a foreign register, or to which an airworthiness certificate has not been issued, shall not be registered. Special derogations may be granted by the Authority through a specific note on the certificate.

Art. 13

(Operator's declaration)

1. The operator shall be the person who operates the aircraft and who shall also be required to submit the operator's declaration. The operator shall be required to provide for the equipping and provisioning of the aircraft. The operator shall have the power to appoint and remove the pilot-in-command or to establish his powers within the limits imposed by the legislation in force.
2. The owner of an aircraft, or the pilot in case of leasing, shall be the operator thereof, unless otherwise agreed.

3. The agreement referred to in paragraph 2 shall be constituted by a written declaration, which shall be certified by the Authority or by a notary public and recorded in the aircraft register.
4. The operator shall be responsible for the facts pertaining to the crew and for the obligations entered into by the pilot-in-command of the aircraft.
5. However, the operator shall not be responsible for compliance by the pilot-in-command with rescue and assistance obligations and with other obligations relative to the expedition or imposed by the rules to the pilot-in-command as head of the expedition.
6. The operator may be a non resident individual or a legal person.
7. The operator shall be liable, jointly and severally, with the persons using the aircraft without his consent, in case he has not exercised due diligence to prevent such use.

Art. 14

(Nature and content of the instrument)

1. The instrument to obtain the registration or the transfer of ownership of an aircraft shall be constituted by:
 - a) a public deed;
 - b) a certified private deed;
 - c) a private deed certified by the Director General or by an official authorised by the Authority;
 - d) a sentence;
 - e) a declaration of inheritance;
 - f) other deeds envisaged by Law no. 87 of 29 October 1981;
2. The instrument shall in any case contain the following elements:
 - a) biographic data of the parties or, in case of entities or companies, their nature and corporate purpose, their residence or registered office;
 - b) Social Security Institute identification number or, if applicable, Economic Operator's number of the parties;
 - c) model, serial number and any marks of the aircraft;
 - d) selling price of the property.
3. The instrument may be constituted by a declaration of ownership also drawn up in more than one language, including Italian, and regularly certified, accompanied by the relevant original documents.

Art. 15

(Registration)

1. To obtain the registration of an aircraft, the requesting party shall submit a request accompanied by the following:
 - original property deed, drawn up according to Article 14;
 - documents pertaining to any customs obligations and relevant invoices;
 - certificate of residence for individuals, certificate of existence for legal persons;
 - airworthiness export certificate;
 - declaration that the aircraft is not recorded in another register;
 - any operator's declaration;
 - technical documents provided for in the regulations issued by the Authority.
2. Registrations shall be made progressively according to the date, meaning that a registration made on a preceding date shall prevail over that made on a subsequent date; however, registrations made on the same date shall always be considered as concurrent irrespective of the time of registration.
3. Registrations shall have effect starting from the date of registration.
4. Aircraft leasing contracts and the relevant replacements shall be entered by the Authority in the Aircraft Register.

Art. 16

(Transfer of ownership or availability)

1. To obtain the registration of the deeds relative to the transfer of ownership or availability of aircraft recorded in the register, the requesting party shall submit a request accompanied by:
 - a. property deed drawn up according to Article 14, paragraph 1;
 - b. certificate of residence for individuals, certificate of existence for legal persons;
 - c. documents of the aircraft.

Art. 17

(Removal from the register)

1. The removal of an aircraft from the register shall occur following:
 - a) export in order to enter the aircraft in the register of a foreign State;
 - b) ex officio exclusion due to registration in a foreign register, loss of nationality requirements, failure to pay charges or other measure;
 - c) demolition;
 - d) damage or suspected damage or destruction.
2. The documents to be submitted to obtain removal from the register in the cases referred to in the preceding paragraph shall be the following:

Circumstance of paragraph 1 (a)

 - deed drawn up according to Article 14, also a certified copy thereof, or equivalent documents;
 - aircraft registration certificate;
 - airworthiness certificate of the aircraft.

Circumstance of paragraph 1 (c):

 - request for demolition by the owner, signed by an authorised person;
 - aircraft registration certificate;
 - airworthiness certificate of the aircraft.

Circumstance of paragraph 1 (d):

 - request by the owner, signed by an authorised person;
 - accident report, where it is stated that the aircraft is damaged or is suspected to be damaged;
 - authorisation by the judicial authority, if necessary;
 - registration and airworthiness certificates of the aircraft, if not destroyed.
3. In case the above certificates are lost, the original copy of the relevant declaration to the police authority shall be submitted.
4. The aircraft shall be removed from the register after having verified the absence of registrations relative to rights in rem or collateral rights, seizures, protective measures or sums of money due to the Authority.
5. The loss of the requirements necessary for registration shall be notified, within 30 days, by the owner or by the person to whom the aircraft is available.

Art. 18

(Rules pertaining to import)

1. Inclusion in the register shall constitute a prerequisite for the payment of the import tax.

Art. 19

(Privilege)

1. The privilege over registered movable property under this Decree shall be, for the type of credit, a preferential right.

2. The privilege shall be conventional when the debtor is willing to grant the property as the object of the privilege, for any creditor.
3. The deed giving rise to the conventional privilege shall be a written deed.
4. The privilege shall last no more than five years and may be renewed, with the consent of the parties, before the expiry of a further period not exceeding 5 years, with effect from the original date of registration.
5. The registered privilege shall always accompany the property although the owner changes, until the credit guaranteed is extinguished.
6. The registration of a privilege shall not be requested once 1 year has elapsed from the date of the deed giving rise to the privilege.
7. If the object of the conventional privilege has been damaged or has been subject to any other event implying compensation payments, the amounts due shall be subject to the payment of credits guaranteed by the privileges entered in the register. The payment of the above-mentioned sums or compensations shall not free the debtor if the consent of preferential creditors has not been requested and obtained.
8. The privilege referred to in this Decree shall be preferred over any other general and special privilege, except for those envisaged by Article 17 of the Mortgages Law of 16 March 1854 and for those provided for by other special laws.
9. In case of more than one privilege, the degree shall be determined by the date of registration.

Art. 20

(Mortgage and pledge)

1. Mortgages and rights of pledge securing any credit, including in relation to more than one aircraft of a single owner or of joint debtors, shall be entered in the registers. These registrations shall be made on the basis of a written deed.
2. It shall be possible to register rights of pledge on spare or separate parts as an extension of the same guarantee rights existing on the aircraft, provided that a clear note thereof is made and a fixed deposit is established also abroad.
3. The creation of mortgages or pledges may occur after the registration of the aircraft in the register.
4. In case of removal of an aircraft from the register for damages, the rights of mortgage or pledge shall continue to apply to the remaining parts or to spare parts.
5. Subrogation to the rights of the creditor by third parties shall always be admitted.
6. If the same deed gives rise to a preferential credit in favour of the seller of the property for the part of the stipulated price which has not been paid at the time of sale, and to another preferential credit in favour of a person who, in the buyer's interest, has paid part of the price to the seller, both credits have the same degree and are concurrent proportionate to their amount, if the request for registration has been submitted jointly by the creditors and unless otherwise agreed.

Art. 21

(Credits guaranteed by bills of exchange - endorsement and transfer of the privilege)

1. If, in order to represent the preferential credit duly registered in the register, the debtor issues one or more bills of exchange, the latter shall contain a statement that the credit is guaranteed in relation to an aircraft under this Decree, with indication of the date and the sheet where the registration has been made.
2. The endorsement of bills of exchange complying with the preceding paragraph shall lead to the transfer of the privilege on the aircraft in favour of the endorsee.

Art. 22

(Registration of the privilege or of security interests)

1. The registration of the conventional privilege or of the mortgage in the register may be possible only by depositing with the Authority the relevant deed containing all data on the interested persons, amounts due and expiry dates relative to the credit.
2. Similarly, the entry in the register of the transfer or assignment of credits duly registered shall take the place of notification to the debtor since the entry is made in the above-mentioned register, upon request of the interested person.
3. The buyer shall not benefit from the time-limit if, without the consent of the seller (or of the person who, in his interest, has paid to the seller part or all of the price of the property subject to privilege, duly registered in their favour), he sells the entire aircraft or parts thereof, or, in any way, reduces the level of guarantee in favour of the seller or of the above-mentioned person.
4. If the buyer fails to meet his obligations, the person guaranteed by the privilege may request, through ordinary procedure, that the property be seized where it is kept by the debtor or by any other third party.

Art. 23

(Renewal, transfer, total or partial discharge of privileges or security interests)

1. In order to register the transfer, reduction or discharge of privileges or security interests, the subrogation to the rights of the creditor by a third party or the pledge of the credit registered, it shall be required to produce the deed on the basis of which the registration is requested.

Art. 24

(Ex-officio removal)

1. The privilege shall be removed ex-officio through a note once at least five years have elapsed from the date of registration, of course provided that the privilege has not been renewed before the expiry date and the relevant entry in the register has been requested.
2. The re-registration of a privilege already existing on a property coming from a foreign State may be possible only upon request and in conformity with this Decree.

Art. 25

(Air navigation)

1. An aircraft shall be entitled to air navigation provided that the airworthiness certificate, or equivalent certificate, and the registration certificate have been issued and are kept aboard the aircraft.
2. Besides these certificates, the following shall be kept aboard the aircraft:
 - a) certificate of airworthiness revision;
 - b) acoustic certificate;
 - c) insurance policy for civil liability, certificates relative to compulsory insurances;
 - d) aircraft radio licence;
 - e) flight manual;
 - f) other documents envisaged by a specific circular of the Authority.
3. Microlight aircraft may be subject to special provisions.

Art. 26

(Airworthiness)

1. The airworthiness of aircraft registered in the public register shall be certified by a certificate of airworthiness.

2. The Authority may recognise as valid, until their expiry, the certificates issued by recognised authorities of other countries.
3. The Authority may rely on recognised foreign bodies or authorities for the issuance or renewal of airworthiness certificates.
4. A specific technical regulation shall provide for the procedures of issuance and keeping of airworthiness certificates.
5. The airworthiness revision certificate shall certify the continuing airworthiness of an aircraft and shall have an annual validity.
6. The airworthiness certificate shall no longer be valid in the following cases:
 - a) when an airworthiness prescription, within the limits envisaged, or another intervention prescribed by the manufacturer or Authority has not been applied;
 - b) when the aircraft is operated beyond the limits fixed in the flight manual or in the airworthiness specification of the aircraft, or as established by the Authority;
 - c) following an accident or incident judged by the Authority as serious as to invalidate the airworthiness of the aircraft;
 - d) when the status of airworthiness of an aircraft is not preserved according to the maintenance programme or the relevant applicable regulations;
 - e) when, for any cause whatsoever, the airworthiness status and the suitability for operation granted to the aircraft have been compromised.
7. In the cases referred to in the preceding paragraph, the user shall be required to immediately return the airworthiness certificate to the Authority.
8. The Authority may adopt the following measures:
 - a) annul the certificate;
 - b) withhold the certificate until the necessary assessments have been made, in case the airworthiness status of the aircraft may be restored;
 - c) write the inscription "suspended", pending other measures, on the certificate in the field relative to assessment results, together with the relevant date and place, the signature and the stamp, and return it to the user.
9. Airworthiness export certificates shall be issued by the Authority to aircraft to be exported, in case of:
 - a) new aircraft, manufactured in San Marino;
 - b) second-hand aircraft, manufactured in San Marino or abroad.
10. The airworthiness export certificate issued by the Authority shall have a validity, for its specific purposes, of 60 days from the date of issuance.
11. The validation period shall be fixed by the air navigation authority of the foreign State issuing the validation and where the aircraft is registered.
12. The airworthiness export certificate issued by the Authority shall cease to be valid:
 - a) after 60 day from the date of issuance;
 - b) after the issuance of a foreign airworthiness certificate;
 - c) following an accident or an incident judged by the Authority as serious as to invalidate the airworthiness of the aircraft;
 - d) when an airworthiness prescription, within the limits envisaged, is not applied;
 - e) when the aircraft is operated beyond the limits fixed;
 - f) when the status of airworthiness of the aircraft is not preserved according to the procedures approved;
 - g) when it is suspended by the Authority.
13. A provisional airworthiness certificate shall be issued to a manufacturer by the Authority for a new aircraft which has been built, but not yet registered, and which is considered to be eligible for the airworthiness certificate.
14. The provisional airworthiness certificate shall entitle the aircraft to perform only presentation and transfer flights in the national or foreign territory upon specific authorisation granted by the States overflown in the respect for all limits fixed by the Authority and by the other States.

15. The provisional airworthiness certificate shall have a maximum validity of three months. This certificate shall be renewed only by submitting a new request. In this case, the certificate shall be newly issued by the Authority.

16. The provisional airworthiness certificate shall cease to be valid:

- a) upon expiry of the period indicated on the certificate;
- b) when an airworthiness registration or export certificate is issued;
- c) following an accident or an incident judged by the Authority as serious as to invalidate the airworthiness of the aircraft;
- d) when an airworthiness prescription, within the limits envisaged, is not applied;
- e) when the aircraft is operated beyond the limits fixed;
- f) when the status of airworthiness of the aircraft is not preserved according to the procedures approved;
- g) when it is suspended by the Authority.

Art. 27

(Airworthiness prescriptions)

1. The operator shall be required to comply with prescriptions issued by the manufacturer and by the authority certifying the aircraft, according to the relevant technical regulations.

Art. 28

(Aircraft components)

1. The components and devices installed in aircraft shall be recognised as valid on basis of technical rules approved by the Authority.

2. In order to be used, aircraft parts shall be new or maintained in a good state of repair, or shall have obtained a certificate attesting their airworthiness.

Art. 29

(Technical log)

1. The technical log of aircraft operated for commercial purposes shall be approved by the Authority and shall be updated and signed at the end of each flight.

2. Any defect or anomaly relative to the flight shall be noted in the technical log and reported to the Authority in the cases envisaged.

Art. 30

(San Marino operator party to an agreement relative to the transfer of functions implementing Article 83 bis of the Chicago Convention)

1. In case of an aircraft registered abroad and operated by a San Marino operator performing the relevant functions and duties, if the functions included in the following Articles are envisaged by an agreement in force between the Republic of San Marino and another contracting State according to Article 83 bis of the Chicago Convention, the provisions of Articles 31, 32, 33, 34 and 35 of this Decree shall apply.

Art. 31

(Aircraft registered in the Republic of San Marino and operated by a foreign operator under an agreement of transfer of functions)

1. These provisions shall not apply to an aircraft registered in the Republic of San Marino and operated by a foreign operator, nor to any person performing the functions or duties relative to such aircraft if the functions envisaged by the provisions in force are expressly excluded from an

agreement in force between the Republic of San Marino and another contracting State according to Article 83 bis of the Chicago Convention. In this case, the agreement may envisage the recognition of the airworthiness certificate, radio licence and crew licences issued or rendered valid by the State of the operator.

Art. 32

(Withdrawal of the airworthiness certificate in case of delegation to a foreign State)

1. If the power, referred to in Article 31 of the Chicago Convention, to issue or render valid a certificate of airworthiness is delegated to another contracting State under Article 83 bis of the Chicago Convention, the airworthiness certificate relative to the aircraft shall cease to be valid at the time of the delegation.
2. When the owner is notified of the conclusion of an agreement under Article 83 bis of the Chicago Convention, he shall return the airworthiness certificate within seven days from the date of entry into force of the agreement.

Art. 33

(Re-issuance of the airworthiness certificate due to the termination of the delegation agreement)

1. In case of termination of the effects of an agreement under Article 83 bis of the Chicago Convention and of the functions indicated in Article 31 of the same Convention concerning the issuance or validation of a certificate of airworthiness of a San Marino aircraft, the Authority shall re-issue a valid certificate after verifying that the conditions necessary to register the aircraft still exist.

Art. 34

(Notification of the early termination of a contract relative to the delegation of functions)

1. If an agreement for the lease, charter or interchange of an aircraft or any similar arrangement under Article 83 bis of the Chicago Convention is terminated before the expiry date envisaged in said agreement, the San Marino owner or operator shall be obliged to formally notify the Authority thereof within seven days.

Art. 35

(Documents)

1. A certified copy of the agreement referred to in Article 83 bis of the Chicago Convention and of the aircraft operator's certificate shall be kept aboard the aircraft.

Art. 36

(Operations in the San Marino territory carried out by third parties)

1. If a foreign aircraft is operated in the State according to an agreement referred to in Article 83 bis of the Chicago Convention, any reference in the national legislation to the "State of registration" shall be understood as a reference to the "State of the operator".

Art. 37

(Conflict between rules)

1. The agreements concluded by the Republic of San Marino under Article 83 bis of the Chicago Convention shall prevail in case of conflict over domestic technical provisions.

Art. 38
(Maintenance)

1. Unless otherwise authorised by the Authority, aircraft maintenance operations shall be carried out exclusively by organisations recognised by the Authority.

Art. 39
(Aircraft command and crew)

1. The command of the aircraft shall be assigned by the operator to persons meeting the necessary eligibility criteria as provided for by the provisions and regulations in force.
2. The pilot-in-command shall represent the operator.
3. The pilot-in-command shall be responsible for verifying airworthiness conditions of the aircraft, its suitability for operation, load balance, flight direction and manoeuvres.
4. The crew shall be accountable to the pilot-in-command, who shall be responsible for flight guidance and safety. The term "crew" shall mean all staff embarked on and providing service to a flight.
5. The pilot-in-command may defer or suspend the track or modify it during the flight, whenever he deems it essential for safety purposes. A report of these actions, including the relevant reasons, shall be drawn up.
6. The pilot-in-command shall exercise his authority over all embarked people and shall be authorised to disembark crew members, passengers or payload, either totally or partially, in order to guarantee safety, health or respect for the rules aboard the aircraft.
7. The pilot-in-command shall be the custodian of the aircraft and shall be responsible for its load.
8. In case of difficulty in fulfilling his duties, he shall request instructions from the operator. In case this is not possible, he shall adopt all measures necessary to guarantee safety of flight.
9. During the flight, and in case of death of the pilot-in-command, or if he fails to fulfil his duties, the command of the aircraft shall be taken, until the time of disembarkation, by the crew member second in command according to the crew list established by the operator for that flight.
10. The pilot-in-command who is intercepted shall comply with the procedures envisaged in Annex "A" to this Decree.

Art. 40
(Aircraft operated for commercial purposes)

1. Anyone wishing to provide air transport services, in return for payment, or public transport of people or goods, shall hold a specific air operator's certificate issued or recognised by the Authority.
2. Aerial work activities shall be subject to a specific authorisation.
3. Technical regulations issued by the Authority shall establish the procedures to carry out commercial or aerial work activities.

Art. 41
(Aviation insurance)

1. The airworthiness certificate shall not be provided to an aircraft if this is not covered by an adequate insurance according to the provisions of Regulation (EC) no. 785/2004 of the European Parliament and of the Council of 21 April 2004 and subsequent amendments and integrations, and in compliance with the implementing provisions issued by the Authority.

Art. 42

(General principles concerning accidents and incidents)

1. The Republic of San Marino shall apply to navigation accidents and incidents the provisions contained in Annex 13 to the Convention on International Civil Aviation signed in Chicago on 7 December 1944.
2. Technical investigations shall be carried out according to confidentiality and impartiality principles and shall be subject to review if new relevant facts arise.
3. The Authority shall regulate the procedures implementing what envisaged in the above-mentioned Annex 13 to the Convention on International Civil Aviation signed in Chicago on 7 December 1944.

Art. 43

(Purposes and powers of investigators)

1. The competence of the Authority shall remain unaffected with regard to the determination of civil and criminal liabilities. The task of technical investigators shall not be the determination of liabilities, which falls within the competence of the judicial authority.
2. The following shall be guaranteed to investigators entrusted with the conduct of technical investigations, also through coordination with the judicial authority:
 - a) access to the place where the accident or incident has occurred, as well as to the civil aircraft involved, to its content and wrecks in order to find evidence and to give instructions in relation to the collection, examination and keeping of finds and of any other element necessary to carry out investigations;
 - b) immediate access to flight recorders and to any other recording concerning the aircraft involved in the accident or incident; the possibility of carrying out or requesting assessments and analyses on people or objects directly or indirectly connected with the events being investigated, or of participating in those requested by third parties, also by obtaining the relevant documents;
 - c) the possibility of hearing people informed as to the facts and of having access to any useful information held by the owner, the operator, the manufacturer of the aircraft, civil aviation bodies and the user.
3. Incidents shall be technically assessed by the Director General of the Authority or by technical delegates.
4. Technical investigations concerning aircraft with a mass higher than 2,250 kg and falling within the competence of the Republic of San Marino, in compliance with the obligations undertaken through adhesion to the Chicago Convention, shall be delegated to a third specialised body through a Government Decision and according to a specific regulation. The latter shall form integral part of the agreement also establishing the necessary financial and logistical resources.
5. The Government shall guarantee participation in the investigations by interested States according to Annex 13 to the Chicago Convention.

Art. 44

(Definitions relative to investigations)

1. The following definitions shall be adopted for the purposes of this Decree:
 - "investigation" shall mean a combination of operations carried out to prevent accidents and incidents, which includes the collection and analysis of data, the elaboration of conclusions, the identification of the causes and the formulation of recommendations on safety;
 - "accident" shall mean an occurrence, associated with the operation of an aircraft, which takes place between the time when a person boards the aircraft with the intention of flight and the time when all people boarding with the same intention have disembarked, in which:

- a) a person is fatally or seriously injured as a result of being in the aircraft, or direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew, or
 - b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, (including its cowlings or accessories), to propellers, wing tips, antennas, tires, brakes, fairings, the aircraft skin (such as small dents or puncture holes), or
 - c) the aircraft is missing or is completely inaccessible;
- "serious injury" shall mean an injury which is sustained by a person in an accident and which involves one of the following:
- a) hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;
 - b) a fracture of any bone (except simple fractures of fingers, toes, or nose);
 - c) lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 - d) injury to any internal organ;
 - e) second or third degree burns, or any burns affecting more than 5 % of the body surface;
 - f) verified exposure to infectious substances or harmful radiation;
- "fatal injury" shall mean an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;
- "incident" shall mean an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- "serious incident" shall mean an incident involving circumstances indicating that there was a high probability of an accident. The following shall be typical examples of incidents that are likely to be serious incidents:
- a) a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation;
 - b) controlled flight into terrain only marginally avoided;
 - c) aborted take-offs on a closed or engaged runway, or from an unassigned runway;
 - d) landings or attempted landings on a closed or engaged runway;
 - e) gross failures to achieve predicted performance during take-off or initial climb;
 - f) fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;
 - g) events requiring the emergency use of oxygen by the flight crew;
 - h) aircraft structural failure or engine disintegration not classified as an accident;
 - i) multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft;
 - l) flight crew incapacitation in flight;
 - m) fuel quantity requiring the declaration of an emergency by the pilot;
 - n) take-off or landing incidents, such as undershooting, overrunning or running off the side of runways;
 - o) system failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft;
 - p) failure of more than one system in a redundancy system mandatory for flight guidance and navigation.

Art. 45

(Obligation to notify accidents and incidents)

1. Any public authority, operator of aviation facilities, operator or owner who has knowledge of the occurrence of an aviation accident or serious incident in the San Marino territory or

involving a San Marino aircraft shall, if there are reasonable grounds for suspecting that an aircraft is lost or missing, immediately inform the judicial authority and the Civil Aviation and Maritime Navigation Authority thereof. In case of a foreign aircraft, the Authority shall inform the Ministry of Foreign Affairs thereof.

2. The same notification shall be made within 24 hours in case of aviation incident according to a specific technical regulation issued by the Authority.

Art. 46

(Administrative sanctions)

1. The application of administrative sanctions in the field of aviation shall fall within the competence of the Director of the Authority, also following a report by designated officials or police bodies, or authorities, including foreign, entrusted with air traffic control.

2. The amount of the sanction shall be established by the Authority, also taking into account the existence of more violations of the same provision or of violations of different provisions perpetrated with a single action or omission, the repetition of the illegal conduct and any other element from which the seriousness of the violation can be inferred.

3. Pecuniary administrative violations defined in this Decree shall be included in the list of administrative sanctions annually proposed by the Administrative Judge of Appeal under Article 32 of Law no. 68 of 28 June 1989.

Art. 47

(Non compliance with command-related provisions)

1. Unless the fact constitutes an offence, the administrative sanction from 2,000.00 euro to 10,000.00 euro shall be applied to the pilot-in-command of an aircraft who:

- a) commences a flight without having aboard the aircraft the documents envisaged by the legislation in force;
- b) violates the provisions concerning the keeping and updating of the documents carried in aircraft;
- c) performs flights in prohibited areas or launches any objects from an aircraft in flight;
- d) takes off or lands without the necessary authorisations or the relevant permissions granted by the competent authorities;
- e) performs acrobatic flights, parachute jumps or manoeuvres dangerous to public safety without the necessary authorisations;
- f) performs flights at an altitude lower than what provided for in the relevant regulations;
- g) performs unnecessary manoeuvres likely to put people or things aboard the aircraft in danger;
- h) fails to comply with the instructions given by the air traffic control body;
- i) violates the regulations concerning the transport of dangerous goods;
- j) lands, without a valid reason, in areas not destined to aircraft landing;
- k) refuses, without justification, to participate in research or rescue operations;
- l) embarks or disembarks passengers or goods in violation of regulations;

2. In the cases referred to in letters a), e) and h), the suspension from one to six months of licences and authorisations shall also apply.

3. In the case referred to in letter k), the revocation of licences or authorisation shall also apply.

Art. 48

(Serious non compliance with command-related provisions)

1. Unless the fact constitutes an offence, the administrative sanction from 5,000.00 euro to 15,000.00 euro shall be applied to the pilot-in-command of an aircraft who:

- a) commences the flight with an aircraft which is not registered or is not provided with the airworthiness certificate;

- b) operates an aircraft without the licences or qualifications, either for him or for the crew, envisaged by the legislation in force; the sanction shall apply also to crew members;
 - c) destroys, damages or alters the aircraft documents;
 - d) uses the aircraft without the operator's permission;
 - e) performs his tasks under the effects of alcohol or drugs; the sanction shall apply also to crew members;
 - f) operates the aircraft without the necessary registration marks or with non-complying marks;
 - g) perform flights although the aircraft is not covered by the necessary insurance;
 - h) fails to follow interception procedures in the cases envisaged.
2. In the cases referred to in letters a), b), e), f), g) and h), the revocation of licences or authorisations shall also apply.

Art. 49

(Non compliance with provisions concerning the owner or operator)

1. Unless the fact constitutes an offence, the administrative sanction from 10,000.00 euro to 25,000.00 euro shall be applied to the operator who:
- a) assigns an aircraft to the pilot-in-command although it is not provided with the airworthiness certificate;
 - b) assigns an aircraft to be operated although it has not been registered;
 - c) registers an aircraft in a foreign register without having it first deleted from the San Marino register;
 - d) assigns an aircraft to the pilot-in-command although it is not covered by an adequate insurance.
2. In the case referred to in letter d), the airworthiness certificate of the aircraft shall be suspended from one to six months.

Art. 50

(Alteration of marks)

1. Unless the fact constitutes an offence, anyone counterfeiting, altering or removing registration marks or aircraft identification plates shall be punished with an administrative pecuniary sanction from 10,000.00 euro to 25,000.00 euro.

Art. 51

(Non compliance with other provisions)

1. Unless the fact constitutes an offence, the administrative sanction from 500.00 euro to 2,000.00 euro shall be applied to anyone who:
- a) refuses to show the documents carried in aircraft to the Authority;
 - b) organises or participates in air shows, involving acrobatics and parachute jumps, without the necessary permission;
 - c) is on board an aircraft without the permission of the pilot-in-command or without a valid reason;
 - d) on board an aircraft, puts the safety of flight or of passengers in danger;
 - e) on board an aircraft, is under the effects of alcohol or drugs;
 - f) fails to comply with the instructions given by the pilot-in-command;
 - g) fails to comply with accident or incident reporting obligations.
2. Unless the fact constitutes an offence, any other violation of the provisions contained in this Decree and in technical regulations or orders pertaining to civil aviation safety shall be punished with the administrative pecuniary sanction from 500.00 euro to 1,000.00 euro.

Art. 52

(Sanctions pertaining to commercial operators)

1. Unless the fact constitutes an offence, anyone performing flights for commercial purposes upon payment without the necessary authorisations shall be punished with an administrative pecuniary sanction from 10,000.00 euro to 30,000.00 euro.
2. Unless the fact constitutes an offence, the administrative sanction from 5,000.00 euro to 25,000.00 euro shall be applied to the commercial operator who:
 - a) refuses, without justification, access to his services by the public;
 - b) fails to comply with the obligations envisaged in the air operator's certificate;
 - c) fails to comply with maintenance plans or other obligations to guarantee safety of flight;
 - d) performs flights which are different from those envisaged in the air operator's certificate.

Art. 53

(Air space)

1. An aircraft having the San Marino nationality shall be considered to all effects as San Marino territory when it is in a place or space not subject to the sovereignty of any State.

Art. 54

(Acts and facts occurring on board an aircraft)

1. Acts and facts occurring on board an aircraft which is in a place or space subject to the sovereignty of a foreign State shall be regulated by the national law of the aircraft when, under the legislation in force, the law of the place where the acts or facts have occurred should apply.
2. The provision of the preceding paragraph shall apply to acts and facts occurring on board an aircraft having a foreign nationality during navigation in the space subject to the sovereignty of the State of San Marino, subject to reciprocity by the State to which the aircraft belongs.

Art. 55

(Rights and contracts)

1. The following shall in any case be regulated by the domestic law of the aircraft:
 - ownership, other security interests on aircraft, the forms of publication of deeds relative to the creation, transfer and extinction of these interests;
 - lease, charter or transport contracts, unless the parties have expressed a different intention.

Art. 56

(Illegal interference on board an aircraft and interception of civil aircraft)

1. If a civil aircraft is subject to illegal acts of interference, it shall comply with what envisaged in Annex "A" to this Decree.
2. In conformity with Article 3 bis of the Chicago Convention, an aircraft overflying or present in the San Marino territory, or a San Marino aircraft, in any place whatsoever, shall follow the interception procedures envisaged by Annex "A" to this Decree.

Art. 57

(Repeals)

1. Decree no. 73 of 21 June 2002 shall be repealed.

Done at Our Residence, on 10 August 2007/1706 since the Foundation of the Republic.

THE CAPTAINS REGENT
Alessandro Rossi – Alessandro Mancini

THE MINISTER
OF INTERNAL AFFAIRS
Valeria Ciavatta

PROCEDURES APPLYING IN CASE OF ILLEGAL ACTS OF INTERFERENCE ON BOARD AN AIRCRAFT AND INTERCEPTION OF CIVIL AIRCRAFT

Art. 1

Illegal acts of interference - Procedures

1. Unless considerations aboard the aircraft dictate otherwise, the pilot-in-command shall continue on its assigned track and cruising level at least until notification to an ATS unit of his degree of subjection to an illegal act is possible or until the aircraft is within radar coverage.
2. When the aircraft subjected to an illegal act of interference must depart from its assigned track or cruising level without being able to establish radio contact with the ATS unit, the pilot-in-command should, if possible:
 - a) broadcast warnings on the VHF emergency frequency and other appropriate frequencies, unless considerations aboard the aircraft dictate otherwise;
 - b) proceed at a level which differs from the cruising levels normally used for IFR flight by:
 - 500 ft in an area where a vertical separation minimum of 1000 ft is applied, or
 - 1000 ft in an area where a vertical separation minimum of 2000 ft is applied.
 - c) select Mode A Code 7500 to indicate subjection to an illegal act, unless the circumstances require the selection of Code 7700.
3. The pilot-in-command who has selected Mode A Code 7500 and is requested by the ATC to confirm the code, shall confirm this code or shall not answer, according to the circumstances. The absence of an answer by the pilot-in-command shall not be considered by the ATC as an erroneous selection of Code 7500.

Art. 2

Civil aircraft interception procedures

In establishing directives and procedures for civil aircraft interception, the Civil Aviation Authority shall take the following general principles into account:

- a) any interception shall be carried out whenever deemed necessary and may also be carried out in case of lack of diplomatic authorisation for overflight or stop in the Republic of San Marino, of unauthorised departures from the track and of non-compliance with radio procedures, as well as in particularly serious cases;
- b) interceptions shall be limited to the identification of the aircraft, unless the following is necessary:
 - bring the aircraft back onto the planned track;
 - direct the aircraft beyond the borders of national air space;
 - guide the aircraft outside restricted, prohibited or dangerous areas;
 - give instructions to the aircraft so that it can land at a specific aerodrome;
- c) no interceptions will be carried out for training purposes;
- d) navigation instructions and information will be provided, whenever possible, by radiotelephony;
- e) when it is requested to land at a specific aerodrome, the latter shall be suitable for the interested aircraft type.

Art. 3

Actions to be taken by an intercepted aircraft

An aircraft which is intercepted by another aircraft shall immediately:

- a) follow the instructions given by the intercepting aircraft, interpreting and responding to the visual signals according to the specifications included in the relevant table;
- b) notify, if possible, the appropriate air traffic services unit;
- c) attempt to establish radio communication with the intercepting aircraft or with the appropriate intercept control unit, by making a general call on the emergency frequency 121.500 MHz, giving the identity of the intercepted aircraft and the nature of the flight; in case no contact is established, and if practicable, repeat this call on the emergency frequency 243 MHz;
- d) if equipped with SSR transponder, select Mode A Code 7700, unless otherwise instructed by the appropriate air traffic services unit.

If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by visual signals, the intercepted aircraft shall request immediate clarification while continuing to comply with the visual instructions given by the intercepting aircraft.

If any instructions received by radio from any sources conflict with those given by the intercepting aircraft by radio, the intercepted aircraft shall request immediate clarification while continuing to comply with the radio instructions given by the intercepting aircraft.

Art. 4

Radio communication during interception

If radio contact is established during interception but communication in a common language is not possible, attempts shall be made to convey instructions, acknowledgement of instructions and essential information by using the following phrases and pronunciations and transmitting each phrase twice:

Table 1

Phrases for use by intercepting aircraft and phrases for use by intercepted aircraft

Phrases for use by intercepting aircraft			Phrases for use by intercepted aircraft		
Phrase	Pronunciation (1)	Meaning	Phrase	Pronunciation (1)	Meaning
CALL SIGN	<u>KOL</u> SA-IN	What is your call sign?	CALL SIGN (ACFT call sign) (2)	<u>KOL</u> SA-IN (ACFT call sign)	My call sign is ...
FOLLOW	<u>FOL</u> -LO	Follow me	WILCO	<u>VILL</u> -KO	Understood. Will comply
DESCEND	DEE- <u>SEND</u>	Descend for landing	CAN NOT	<u>KANN</u> NOTT	Unable to comply
YOU LAND	<u>YOU LAAND</u>	Land at this aerodrome	REPEAT	REE- <u>PEET</u>	Repeat your instruction
PROCEED	<u>PRO-SEED</u>	You may proceed	AM LOST	<u>AM LOST</u>	Position unknown
			MAYDAY	<u>MAYDAY</u>	I am in distress
			HIJACK (3)	<u>HI-JACK</u>	I have been hijacked
			LAND I request to land at (place name)	<u>LAAND</u> I request to land at (place name)	I request to land at ... (place name)
			DESCEND	DEE- <u>SEND</u>	I require descent

Observations:

- (1) In the second column, syllables to be emphasized are underlined.
- (2) The call sign required to be given is that used in radio telephony communications with air traffic services units and corresponding to the aircraft identification in the flight plan.
- (3) Circumstances may not always permit, nor make desirable, the use of the phrase "HIJACK".

Art. 5
Signals for use in the event of interception

Table 2

Signals initiated by intercepting aircraft and responses by intercepted aircraft

Series	Intercepting Aircraft Signals/	Meaning	Intercepted Aircraft Responses/	Meaning
1	<p>DAY or NIGHT: Rocking aircraft and flashing navigational lights at irregular intervals (and landing lights in the case of helicopter) from a position slightly above and ahead of, and to the left of, the intercept aircraft, to be followed along the track, or to its right, to lead it to land at a designated aerodrome, and, after acknowledgement, a slow level turn to the left or to the right, according to the position of intercepting aircraft, on the desired heading.</p> <p>NOTE 1: Meteorological conditions or terrain may require the intercepting aircraft to reverse the positions and direction or turn given above in Series 1.</p> <p>NOTE 2: If the intercepted aircraft is not able to keep pace with the intercepting aircraft, the latter is expected to fly a series of racetrack patterns and to rock the aircraft each time it passes the intercepted aircraft.</p>	You have been intercepted. Follow me.	DAY or NIGHT: Rocking aircraft, flashing navigational lights at irregular intervals and following.	Understood, will comply.
2	DAY or NIGHT: An abrupt break-away manoeuvre from the intercepted aircraft consisting of a climbing turn of 90 degrees or more without crossing the line of flight of the intercepted aircraft.	You may proceed.	DAY or NIGHT: Rocking the aircraft	Understood, will comply.
3	DAY or NIGHT: Lowering landing gear (if fitted), showing steady landing lights and overflying runway in use or, if the intercepted aircraft is a helicopter, overflying the helicopter landing area. In the case of helicopter, the intercepted helicopter makes a landing approach, coming to hover near to the landing area.	Land at this aerodrome	DAY or NIGHT: Lowering landing gear (if fitted), showing steady landing lights and following the intercepted aircraft and if, after overflying the runway in use or the helicopter landing area, landing is considered safe, proceed to land.	Understood, will comply.
3 bis	DAY or NIGHT: Release of one or more volleys of flares from such a position and distance as to constitute no hazard for the intercepted aircraft.	Last warning. Follow me. If you do not comply, your safety will not be assured.	DAY or NIGHT: Use Series 1, 5 or 6 signals prescribed for intercepted aircraft	(see Series 1, 5 or 6 signals)

Table 3

Signals initiated by intercepted aircraft and responses by intercepting aircraft

Series	Intercepted Aircraft Signals	Meaning	Intercepting Aircraft Responses	Meaning
4	DAY or NIGHT: Raising landing gear (if fitted) and flashing landing lights while passing over runway in use or helicopter landing area at a height exceeding 300 m (1000 ft) but not exceeding 600 m (2000 ft) (in the case of a helicopter, at a height exceeding 50 m (170 ft) but not exceeding 100 m (330 ft)) above the aerodrome level, and continuing to circle runway in use or helicopter landing area. If unable to flash landing lights, flash any other lights available.	Aerodrome you have designated is inadequate.	DAY or NIGHT: If it is desired that the intercepted aircraft follow the intercepting aircraft to an alternate aerodrome, the intercepting aircraft raises its landing gear (if fitted) and uses the Series 1 signals prescribed for intercepting aircraft. If it is decided to release the intercepted aircraft, the intercepting aircraft uses the Series 2 signals prescribed for intercepting aircraft.	Understood, follow me.
5	DAY or NIGHT: Regular switching on and off of all available lights but in such a manner as to be distinct from flashing lights.	Cannot comply.	DAY or NIGHT: Use Series 2 signals prescribed for intercepting aircraft.	Understood.
6	DAY or NIGHT: Irregular flashing of all available lights.	In distress.	DAY or NIGHT: Use Series 2 signals prescribed for intercepting aircraft.	Understood.

Art. 6*Interception manoeuvres*

A standard method should be established for the manoeuvring of aircraft intercepting a civil aircraft in order to avoid any hazard for the intercepted aircraft.

Such method should take due account of the performance limitations of civil aircraft, the need to avoid flying in such proximity to the intercepted aircraft that a collision hazard may be created and the need to avoid crossing the aircraft's flight path or to perform any other manoeuvre in such a manner that the wake turbulence may be hazardous, particularly if the intercepted aircraft is a light aircraft.

Art. 7*Manoeuvres for visual identification*

The following method is recommended for the manoeuvring of intercepting aircraft for the purpose of visually identifying a civil aircraft:

PHASE I

The intercepting aircraft should approach the intercepted aircraft from astern. The element leader, or the single intercepting aircraft, should normally take up a position on the left (port) side, slightly above and ahead of the intercepted aircraft, within the field of view of the pilot of the intercepted aircraft, and initially not closer to the aircraft than 300 m. Any other participating aircraft should stay well clear of the intercepted aircraft, preferably above and behind. After speed and position have been established, the aircraft should, if necessary, proceed with Phase II of the procedure.

PHASE II

The element leader, or the single intercepting aircraft, should begin closing in gently on the intercepted aircraft, at the same level, until no closer than absolutely necessary to obtain the information needed. The element leader, or the single intercepting aircraft, should use caution to avoid startling the flight crew or the passengers of the intercepted aircraft, keeping constantly in mind the fact that manoeuvres considered normal to an intercepting aircraft may be considered hazardous to passengers and crews of civil aircraft. Any other participating aircraft should

continue to stay well clear of the intercepted aircraft. Upon completion of identification, the intercepting aircraft should withdraw from the vicinity of the intercepted aircraft as outlined in Phase III.

PHASE III

The element leader, or the single intercepting aircraft, should break gently away from the intercepted aircraft in a shallow dive. Any other participating aircraft should stay well clear of the intercepted aircraft and rejoin their leader.

Art. 8

Manoeuvres for navigational guidance

If, following the identification manoeuvres in Phase I and Phase II above, it is considered necessary to intervene in the navigation of the intercepted aircraft, the element leader, or the single intercepting aircraft, should normally take up a position on the left (port) side, slightly above and ahead of the intercepted aircraft, to enable the pilot-in-command of the latter aircraft to see the visual signals given.

It is indispensable that the pilot-in-command of the intercepting aircraft be satisfied that the pilot-in-command of the intercepted aircraft is aware of the interception and acknowledges the signals given.

If repeated attempts to attract the attention of the pilot-in-command of the intercepted aircraft by use of the Series 1 signals in Table 2 are unsuccessful, other methods of signalling may be used for this purpose, including as a last resort the visual effect of the reheat/afterburner, provided that no hazard is created for the intercepted aircraft.

It is recognised that meteorological conditions or terrain may occasionally make it necessary for the element leader, or the single intercepting aircraft, to take up a position on the right (starboard) side, slightly above and ahead of the intercepted aircraft. In such case, the pilot-in-command of the intercepting aircraft must take particular care that the intercepting aircraft is clearly visible at all times to the pilot-in-command of the intercepted aircraft.

Art.9

Guidance of an intercepted aircraft

Navigational guidance and related information should be given to an intercepted aircraft by radiotelephony, whenever radio contact can be established.

When navigational guidance is given to an intercepted aircraft, care must be taken that the aircraft is not led into conditions where the visibility may be reduced below that required to maintain flight in visual meteorological conditions and that the manoeuvres demanded of the intercepted aircraft do not add to already existing hazards in the event that the operating efficiency of the aircraft is impaired.

In the exceptional case where an intercepted civil aircraft is required to land in the territory overflown, care must also be taken that:

- a) the designated aerodrome is suitable for the safe landing of the aircraft type concerned, especially if the aerodrome is not normally used for civil air transport operations;
- b) the surrounding terrain is suitable for circling, approach and missed approach manoeuvres;
- c) the intercepted aircraft has sufficient fuel remaining to reach the designated aerodrome;
- d) if the intercepted aircraft is a civil transport aircraft, the designated aerodrome has a runway with a length equivalent to at least 2500 m at mean sea level and a bearing strength sufficient to support the aircraft;
- e) whenever possible, the designated aerodrome is one that is described in detail in the relevant aeronautical information publication.

When requiring a civil aircraft to land at an unfamiliar aerodrome, it is essential that sufficient time be allowed it to prepare for a landing, bearing in mind that only the pilot-in-

command of the civil aircraft can judge the safety of the landing operation in relation to runway length and aircraft mass at the time.

It is particularly important that all information necessary to facilitate a safe approach and landing be given to the intercepted aircraft by radiotelephony.