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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
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B 2494

NIGERIA CIVIL AVIATION REGULATIONS

PART 18—AIR TRANSPORT ECONOMIC REGULATIONS

INTRODUCTION

Part 18 provides for the rules governing the administration, certification, licensing, permits, registration and audit procedures of economic air transport activities. It also incorporates relevant guidelines contained in ICAO Guidance Materials as well as best practices.

The part deals with Air Transport Licensing, Domestic Operations, Regional and International Operations by Nigerian Carriers, Foreign Airline Operations into and out of Nigeria, Air Services Agreement, Airport and Air Navigation Services, Facilitation of Air Transport, Allied Aviation Services, Travel Agency, Airline Financial Health, Aviation Insurance, Civil Aviation Fees, Air Transport Statistics, Fares and Tariff, Unfair Methods of Competition and Anti-competitive Practices.

B 2496

NIGERIA CIVIL AVIATION REGULATIONS
PART 18—AIR TRANSPORT ECONOMIC REGULATIONS



ARRANGEMENT OF CONTENT

Contents :

- 18.1. General.
- 18.1.1. Applicability.
- 18.1.2. Definitions.
- 18.1.3. Abbreviations.
- 18.2. Air Transport Licensing.
- 18.2.1. Licences and Permits.
- 18.2.2. Licences for Scheduled Domestic Flight Operations.
- 18.2.3. Airline Operating Permit (AOP).
- 18.2.4. Permit for Non- Commercial Flight Operations (PNCF).
- 18.2.5. Air Travel Organiser's Licence (ATOL).
- 18.2.6. Permit for Aerial Aviation Services (PAAS).
- 18.3. Domestic Operations.
- 18.3.1. General.
- 18.3.2. Scheduled Domestic Operations.
- 18.3.3. Non-Scheduled Domestic Operations (Charter).
- 18.3.4. Non- Commercial Operations (Private).
- 18.3.5. Aerial Aviation Services.
- 18.3.6. Organized Package Tours.
- 18.3.7. Self-Handling Operations.
- 18.3.8. Billing and Settlement Plan (BSP).
- 18.4. Regional and International Operations by Nigerian Airlines.
- 18.4.1. Scheduled Operations by Nigerian Airlines.
- 18.4.2. Non-Scheduled Passenger (Charter) Operations-Commercial.
- 18.5. Foreign Airline Operations Into and Out of Nigeria.
- 18.5.1. Scheduled Operations by Foreign Airlines.
- 18.5.2. Non-Scheduled Passenger (Charter) Operations by Foreign Airlines.
- 18.6.1. Monitoring of Foreign Operations.
- 18.7.1. Airport and Air Navigation Services.
- 18.8. Facilitation of Air Transport.
- 18.8.1. Applicability.
- 18.8.9. Clearance for entry and departure of aircraft.
- 18.8.10. Clearance for entry and departure of persons.
- 18.9. Allied Aviation Services.

B 2498

- 18.9.1. Registration of Allied Aviation Business.
- 18.9.2. Register of Certificate of Registration or Licence.
- 18.9.3. Discrimination against or Decline of Access to Airlines.
- 18.9.4. Travel Agency Business in Nigeria.
- 18.9.5. General Sales Agent.
- 18.9.6. Registration of Air Transport Training Institution.
- 18.9.7. Unrestricted Access For Monitoring Purpose.
- 18.10. Airline Financial Health.
- 18.11. Aviation Insurance.
- 18.12. Civil Aviation Fees.
- 18.13. Air Transport Statistics.
- 18.14. Fares and Tariff.
- 18.15. Unfair Methods of Competition and Anti-Competitive Practices.
- IS:18.2.2.2(a) Requirements for Grant of Air Transport Licence (ATL).
- IS:18.2.2.2(b) Requirements for Renewal of Air Transport Licence (ATL).
- IS:18.2.3.(a) Requirements for Grant of Airline Operating Permit (AOP).
- IS:18.2.3.(b) Requirements for Renewal of Airline Operating Permit (AOP).
- IS:18.2.4(a) Requirements for Grant of Permit for Non-Commercial Flights (PNCF).
- IS:18.2.4.(b) Requirements for Renewal of Permit for Non-Commercial Flights (PNCF).
- IS:18.2.5.(a) Requirements for Grant of Air Travel Organizer's Licence (ATOL).
- IS:18.2.5.(b) Requirements for Renewal of Air Travel Organizer's Licence (ATOL).
- IS:18.2.6.2.(b) Requirements for Renewal of Permit for Aerial Aviation Services (PAAS).
- IS: 18.4.1.1. Requirements for Designation of Nigerian Airlines on International Routes.
- IS:18.4.1.1B. Requirements for Grant of Air Carrier's.
- IS:18.4.1.1.C. Conditions and Privileges of Air Carrier's Permit (ACP) on International Routes.
- IS:18.5.1.1.3A. Requirements for the Commencement of Operations by Designated Foreign Airlines on Nigerian Routes.
- IS:18.7.3.1. Requirements for Introduction and Revision of Aviation Charges.
- IS:18.8.14. Nigeria National Facilitation Programme (NNFP).
- IS 18.8.15.2A. Composition of the Airport Facilitation Committees.
- IS:18.8.15.2.B. Terms of Reference of Airport Facilitation Committee.
- IS:18.8.6.2.A. Composition of the Airport Slot Allocation Committee.
- IS:18.8.6.2.B. Terms of Reference/Functions of the Airport Slot Allocation Committee.

- IS:18.9.1.2 Implementing Standards.
- IS 18.9.1.2(i)(b) Requirements for the Renewal of a Ground Handling Licence.
- IS:18.9.1.2.(ii)(a) Requirements for the Registration of Agents of Foreign Airlines.
- IS:18.9.1.2(ii)(b) Requirements for the Renewal of Certificate of Registration of Agents of Foreign Airlines.
- IS:18.9.1.2.(iii) Requirements for Registration of Travel Agency.
- IS:18.9.1.2.(iv)(a) Requirements for the Registration of Cargo Agents or Air Freight Forwarders.
- IS:18.9.1.2. (iv)(b) Requirements for the Renewal of Registration of Cargo Agents or Air Freight Forwarders.
- IS:18.9.1.2.(v) Requirements for Registration of In-Flight Catering Companies.
- IS:18.9.1.2.(vi) Requirements for the Registration of Aviation Fuel Suppliers.
- IS:18.9.1.2.(vii) Requirements for Registration of Air Transport Training Institution.
- IS:18.13.2 A. Statistical Data Reporting Forms.
- IS:18.13.2 B. Statistical Data Reporting Forms.
- IS:18.13.2 C. Statistical Data Reporting Forms.
- IS 18.14.1.1. Contents of Tariffs.

B 2500

S.I. No. 36 of 2015

NIGERIA CIVIL AVIATION REGULATIONS**PART 18—AIR TRANSPORT ECONOMIC REGULATIONS****18.1. GENERAL****18.1.1. APPLICABILITY.**

18.1.1.1. This part shall apply to :

Applicability.

(i) Licensing of scheduled, non scheduled air transport operations, non-commercial private flight operations and conduct of foreign airline operations.

(ii) Economic monitoring of airlines, aerodromes, air navigation services and other aviation and allied aviation service providers.

(iii) Billing, invoicing, payment and reconciliation arising from commercial agreement.

(iv) Regulation of Aviation charges and other related charges by aerodrome operators, air navigation, meteorological and other allied service providers.

(v) Facilitation of Air Transport.

(vi) Certification, Licensing of and the setting and monitoring of Standards and Service Level Agreement (SLA) by ground handling service providers, Catering, Travel Agency, Cargo Agents, Air Freight Forwarders Agents of Foreign Airlines and other related allied aviation service providers.

(vii) Adequacy and validity of insurance cover for airlines, aerodrome operators and allied aviation service providers.

(viii) Civil aviation fees and Air Transport Statistics.

(ix) Anti-competition rules and Airline Fares and Tariffs.

18.1.2. For the purpose of this part, the following definitions shall apply :

Definitions.

(1) “*Act*” means the Civil Aviation Act, 2006 or/and any subsequent amendments thereto.

(2) “*Aerial Work*” means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

(3) “*Aerodrome*” means a defined area on land or water (including any building, installations and equipment) intended to be used either wholly or in part for the arrival, departure, and surface movement of aircraft.

(4) “*Aerodrome Operator*” means the owner or provider of an aerodrome that is certified for operation by the Authority.

(5) “*Aerodrome Control Service*” means air traffic control service for aerodrome traffic.

B 2502

(6) “*Aeronautical Charges*” means charges for aeronautical services levied in line with ICAO Policies and Principles.

(7) “*Aeronautical Authority*” means the minister responsible for aviation and any person or body authorized to perform any function at present performed by the said minister or similar function.

(8) “*Agent of Foreign Airlines*” means an individual or corporate body that is in the business of obtaining flight clearances, flight plans, and provides ground transportation, fuelling of aircraft and hotel accommodation on behalf of non- scheduled (*ad hoc*) airlines or aircraft operators.

(9) “*Aircraft*” means any machine that can derive support in the atmosphere from reactions of the air other than reactions of the air against the earth surface.

(10) “*Air Carrier*” means an enterprise that engages in provision of transportation services by aircraft for remuneration or hire.

(11) “*Aircraft Movement*” means the number of arrivals and departures of aircraft into and out of an airport.

(12) “*Air Freight Forwarders*” means any person or company who arranges the carriage or movement of air-freighted goods and associated formalities on behalf of an importer or exporter at the international boundary of cargo airports.

(13) “*Airlines*” means any air transport enterprise offering or operating a scheduled international air service.

(14) “*Air Operator*” means any organization which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.

(15) “*Air Service*” means any service performed by any aircraft for hire or reward.

(16) “*Air Transport Licensing Committee*” means NCAA Management responsible for considering and approving/disapproving of requests for Licences and Permits. The Committee is chaired by the Director General.

(17) “*Air Navigation Services*” include air traffic management (ATM), communication, navigation and surveillance systems (CNS), meteorological services for air navigation (MET), search and rescue (SAR) and aeronautical information services (AIS). These services are provided to air traffic during all phases of operations (approach, aerodrome control and en route).

(18) “*Air Navigation Services Provider*” means an independent entity established for the purpose of operating and managing air navigation services and empowered to manage and use the revenues it generates to cover its costs.

(19) “*Airport Phase Operations*” means any or all phases of aircraft operations involving approach, landing take off and/or departure.

(20) “*Air Traffic Control Services*” means a service provided for the purpose of :

- (a) preventing collisions ;
 - (i) between aircrafts ; and
 - (ii) on the maneuvering area between aircrafts and obstructions ; and
- (b) expediting and maintaining an orderly flow of air traffic.

(21) “*Air Traffic Management (ATM)*” means the aggregation of the airborne functions and ground-based functions (air traffic services, air space management, and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations.

(22) “*Air Traffic Service (ATS)*” means a generic term meaning variously, flight information service, alerting service, air traffic advising service , air traffic control service (area control service, approach control service or aerodrome control service).

(23) “*Alerting Service*” means a service provided to notify appropriate organizations regarding aircrafts in need of search and rescue aid, and assist such organization as required.

(24) “*Anti-Competitive*” means an apparent intent or the probable effect of crippling, excluding or driving another airline or service provider from the market, with a behavior/practice which indicates an abuse of dominant position by an airline in the market.

(25) “*Audited Financial Statement*” means a report on the financial position or operations of a company that has been certified by an independent auditor.

(26) “*Authority*” means the Nigerian Civil Aviation Authority.

(27) “*Aviation Fuel Supplier*” means a person responsible for the supply and distribution of aviation fuel to the aircraft and reservoir in and within the airport area.

(28) “*Amortization*” means a gradual extinguishment of the cost of an asset by periodic (annual) charges to expenses, usually applicable to intangible assets.

(29) “*Annex*” means international standards and recommended practices adopted in accordance with the Convention and any amendment of the Convention or of such Annex which is made in accordance with the Convention.

(30) “*Approach Control Service*” means air traffic control service for arriving or departing control flights.

B 2504

(31) “*Area Control Service*” means air traffic control service for controlled flights in control areas (en routes).

(32) “*Assessment*” means an initial evaluation of a complaint by the Authority to determine the appropriate means of redress.

(33) “*Asset*” means a resource from which future economic benefits are expected to flow to the entity that owns or controls it.

(34) “*Autonomous Entity*” means an independent entity established for the purpose of operating and managing one or more airports and/or air navigation services, which is empowered to manage and use the revenues it generates to cover its costs.

(35) “*Baggage*” means personal property of passengers or crew carried on an aircraft by agreement with the operator.

(36) “*Balance Sheet*” means a statement indicating as of a specific date the assets owned by a company, the liabilities owed to others, and the accumulated investments of its owners.

(37) “*Bilateral Air Services Agreement*” means an air services agreement on air transportation subsisting between Nigeria and any other country.

(38) “*Cancellation*” means the non-operation of a flight which was previously planned and on which at least one seat was reserved.

(39) “*Capacity*” means the quantitative measure of air transport services offered or proposed to be offered by one or more air carriers in a city-pair or country-pair market or over a route. It may be expressed in aircraft size, number of seat or tonne available in an aircraft.

(40) “*Cargo*” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

(41) “*Cargo Agent*” means an individual or corporate body appointed by an airline to solicit and process air freight shipment.

(42) “*Charge*” means a levy that is designed and applied specifically to recover the cost providing facilities and services for civil aviation.

(43) “*Chicago Convention*” means the convention on International Civil Aviation concluded at Chicago on the 7th December 1944.

(44) “*Combined Single Limit*” means a liability policy commonly offering separate limits that apply to bodily injury claims and to claims for property damage expressed as a single sum coverage or as a limit per occurrence.

(45) “*Commercial Agreement*” means an Agreement between two designated airlines, wherein an airline of one of the contracting States, on

application to the other State, is granted extra BASA rights to operate additional flights (more than those specified in the BASA) to the point(s) of entry into the conceding States.

(46) “*Commercialization*” means an approach to management of facilities and services in which business principles are applied or emphasis is placed on development of commercial activities.

(47) “*Compensation*” means direct and/or indirect monetary and/or non-monetary benefits offered to passengers whose rights have been infringed upon.

(48) “*Concerted Practice*” means a practice involving direct or indirect contacts between competitors falling short of an actual or formal agreement.

(49) “*Complainant*” means :

(a) An air passenger ;

(b) one or more air passengers, where there are numerous air passengers having the same interest ; or

(c) in case of the death of an air passenger, his legal heirs or representatives making or continuing a complaint.

(50) “*Complaint*” means an allegation in writing made by an air passenger, a group of passengers or their legal heirs or representatives.

(51) “*Confirmed Reserved Seat*” means space on a specific date and on a specific flight and class of service of an air carrier which has been requested by a passenger, including a passenger with a “zero fare ticket,” and which the air carrier or its agent has verified, by appropriate notation on the ticket or in any other manner provided therefore by the air carrier, as being reserved for the accommodation of the passenger.

(52) “*Consumer*” means consumer of civil aviation services.

(53) “*Contracting States*” means all member countries of the International Civil Aviation Organization (ICAO).

(54) “*Denied Boarding*” means a refusal by an airline to carry passengers who hold confirmed reservation and valid travel documentation, although they have presented themselves for check-in and/or boarding at the time stipulated by the airline, on grounds of overbooked flight.

(55) “*Director-General*” means the Director-General of the Nigerian Civil Aviation Authority (NCAA).

(56) “*Direct Operating Cost (DOC)*” means expenditure that is directly related to flight operation, such as flight crew allowance, aircraft fuel and oil, lease rental or depreciation, aircraft maintenance, insurance premium,

B 2506

ground handling, navigational charges, landing and parking charges and in-flight catering service.

(57) “*Disembarkation*” means the leaving of an aircraft after landing, except by crew or passenger continuing on the next stage of the same through-flight.

(58) “*Embarkation*” means the boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers as have embarked on a previous stage of the same through-flight.

(59) “*Exclusive Dealing*” means any practice whereby a supplier of products or services :

(a) as a condition of supplying the products or services to a customer or travel agent requires the customer to :

(i) deal only or primarily in products or services supplied by or designed by the supplier or its nominee, or

(ii) refrain from dealing in a specified class or kind of products or services except as supplied by the supplier or his nominee ;

(b) induces a customer to meet a condition referred to in paragraph (a) by offering to supply the products or services to the customer on more favourable terms or conditions if the customer agrees to meet that condition.

(60) “*Extraordinary Circumstances*” means any mechanical, technical, operational, climatic, sociopolitical or any other conditions beyond the actual control of the party involved.

(61) “*Facilitation (FAL)*” means the efficient management of control processes, to expedite clearance and prevent unnecessary delays at the airports.

(62) “*Fare*” means the price paid for air transportation including all mandatory taxes and fees. It does not include ancillary fees for optional services.

(63) “*Federal Gazette*” means the official *gazette* of the Federal Republic of Nigeria.

(64) “*Final Destination*” means the destination on the ticket presented at the check-in counter or, in the case of directly connecting flights, the destination of the last flight.

(65) “*Fixed Costs*” means costs which in the short term remain unchanged regardless of whether or not the volume of services provided increases or decreases.

(66) “*Flight Information Region*” means an airspace of defined dimensions within which flight information service and alerting service are provided.

(67) “*Flight Information Service*” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.

(68) “*Foreign Aircraft*” means an aircraft other than a Nigerian registered aircraft.

(69) “*General Aviation Operation*” means an aircraft operation other than a commercial air transport operation or an aerial work operation.

(70) “*Ground Equipment*” means an article of a specialized nature for use in the maintenance, repair and servicing of an aircraft on ground, including testing equipment and cargo and passenger-handling equipment.

(71) “*Ground Handling Company*” means anyone that carries out the variety of activities before and after a flight to ensure the safe and smooth process of passengers, baggage, cargo, mail and other materials associated with their transportation by air.

(72) “*Indirect Operating Cost (IOC)*” means expenditure incurred from items utilized for the support of airline business that vary from one airline to another such as staff salaries, training, ticketing and reservation, sales promotion, vehicles, maintenance, rent, travels, ICT, etc.

(73) “*In-flight Catering Service Provider*” means a person or corporate body that engages in the planning and preparation of meals and assembly of meal trays designed to be served on board an aircraft.

(74) “*Insurance*” means a contract (policy) in which an individual or entity receive financial protection or reimbursement against an insurance company.

(75) “*International Airport*” means any airport designated by the Contracting State in whose territory it is situated as an airport of entry and departure for international air traffic, where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.

(76) “*Lease*” means A contract by which a rightful possessor of real property conveys the right to use and occupy the property in exchange for consideration usually rent.

(77) “*Insurance Liability*” means maximum amount of coverage available under a liability insurance policy.

(78) “*Liability*” means debt of the entity in the form of financial claims on an entities assets.

(79) “*Licence*” means a licence granted under section 32 of the Civil Aviation Act, 2006.

B 2508

(80) “*Mail*” means dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the universal postal union.

(81) “*Market Restriction*” means any practice whereby a supplier of products or services, as a condition for supplying them to a customer, requires that customer to supply any product or service only in a specified area or exacts a penalty of any kind from the customer if the customer supplies any products or services outside a specified area.

(82) “*Minister*” means the Minister responsible for civil aviation.

(83) “*Mishandled Baggage*” means baggage voluntarily or inadvertently, separated from passenger or crew.

(84) “*Non-Aeronautical Charges*” means charges levied by an airport in consideration for the various commercial arrangements it makes in relation to the granting of concessions, the rental or leasing of premises and land, and free- zone operations, even though such arrangements may in fact apply to activities which may themselves be considered to be of an aeronautical character.

(85) “*Non-Scheduled Operations*” means journeys undertaken other than scheduled operations.

(86) “*Officer*” means a Director, General Manager, Secretary or other similar officer and includes any person who purports to act in any such capacity.

(87) “*Package*” means tour, travel or holiday services provided by a tour operator which is marketed or advertised as an all-inclusive trip including transport, accommodation and/or other trip expenses at an inclusive or special price.

(88) “*Passenger*” means a person in whose name a ticket and or a reservation is made and or confirmed and who is eligible to travel upon the stated flight pursuant to that ticket whether the ticket is purchased by the person or not and whether the ticket is a zero fare ticket or other ticket for which no fees or fare is paid.

(89) “*Passenger Traffic*” means number of passenger embarkation and disembarkation.

(90) “*Permit*” means a permit granted under Section 32 (1) of the Civil Aviation Act, 2006.

(91) “*Person*” means any individual, firm, partnership, corporation, company association, joint state association or body politic and includes any trustee, receiver, assignee, or other similar representative of their entities.

(92) “*Person with Disabilities*” means any person whose mobility is reduced due to physical incapability (sensory or locomotor), an intellectual

deficiency, age, illness, or any other cause of disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers.

(93) “*Profit and Loss Account*” means a financial statement that summarizes the financial transactions for a business over a period in time. It shows revenue, expenditure and the profit and/or loss resulting from operations for a given ‘financial year’.

(94) “*Relevant Market*” refers to the area of effective competition within which an airline or service provider operates and includes geographic area, route, substitutability, close competitors, and such other factors that may affect consumer choice.

(95) “*Reservation/Bookings*” means allotment in advance of seating or sleeping accommodation for a passenger or of a space or weight capacity for baggage.

(96) “*Revenue*” means Inflows of cash or increases in other assets or settlement of liabilities during a period from delivering or rendering services or performing other activities that constitute the entity in major operations.

(97) “*Royalty*” means an amount in money accruing to the country through commercial agreements subsisting with other foreign airlines.

(98) “*Scheduled Operations*” means any operation that offers air transport service on a published time-table and open to use by the general public.

(99) “*Special Drawing Right (SDR)*” means an international foreign exchange reserve assets, allocated to nations by the International Monetary Fund (IMF) and represents a claim to foreign currencies for which it may be exchanged in times of need.

(100) “*Statistics*” means the collection and provision for exchange of airline traffic data related to the agreed services, either periodically or as needed for the regulation of capacity, route evaluation, or other purposes.

(101) “*Tariff*” means a schedule of fares, rates, charges and terms and conditions of carriage applicable to the provision of an air service and other incidental services.

(102) “*Ticket*” means a valid document giving entitlement to transport, or something equivalent in paperless form, including electronic form, issued or authorized by the air carrier or its authorized agent.

(103) “*Tied Selling*” means any practice whereby a supplier of products or services :

(a) as a condition of supplying the products or services (hereinafter referred to as the “tied products”) to a customer, requires the customer to :

B 2510

(i) acquire any other products or services from the supplier or nominee,

(ii) refrain from using or distributing, in conjunction with the tied products or services, any other products or services that are not of a brand designated by the supplier or the nominee ; and

(b) induces a customer to meet a condition set out in paragraph (a) by offering to supply the tied products or services to the customer on more favourable terms or conditions if the customer agrees to meet that condition.

(104) “*Third Party*” means an individual or entity not party to an Agreement but with an interest in the Agreement.

(105) “*Third Party Claim*” means claims for injury or damage to property of a third party alleged to have been caused by the acts or omission of the insured.

(106) “*Tour Operator*” means, with the exception of an air carrier, an organizer of package travel, package holidays and package tours.

(107) “*Traffic Rights*” means privilege to take on and put down traffic loads (passengers, cargoes and mails) from one point to the other between two countries for hire or reward.

(108) “*Travel Agent*” means one who assists travelers by sorting through vast amounts of information to help their clients make the best possible travel arrangements.

(109) “*User Charge*” means any fee or levy payable by users for the consumption of any service.

(110) “*Unaccompanied Baggage*” means baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs

(111) “*Unclaimed Baggage*” means baggage that arrives at an airport and is not picked up or claimed by a passenger.

(112) “*Unidentified Baggage*” means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

(113) “*Volunteer*” means a person who willingly responds to the air carrier’s request to relinquish his confirmed reserved seat and accept the air carriers’ offer of compensatory benefits, in exchange.

(114) “*Zero Fare Ticket*” means a ticket acquired without a substantial monetary payment such as by using frequent flyer miles or vouchers, travel vouchers or a consolidator ticket obtained after a monetary payment that

does not show a fare amount on the ticket. A zero fare ticket does not include free or reduced rate air transportation provided to airline employees and guests.

18.1.2.2. Every other term not defined herein shall have the same meaning as contained in the Act and the Chicago Convention and its Annexes.

18.1.3. ABBREVIATIONS

18.1.3.1. The following abbreviations are used in these Regulations are :

1. ACS - Area Control Service
2. ACP - Air Carrier Permit
3. ATL - Air Transport Licence
4. ATM - Air Traffic Management
5. ATS - Air Traffic Services
6. AOP - Airline Operating Permit
7. AOC - Air Operator's Certificate
8. ATOL - Air Travel Organizer's Licence
9. ATLC - Air Transport Licensing Committee
10. API - Advanced Passenger Information
11. AVSEC - Aviation Security
12. BASA - Bilateral Air Services Agreement
13. CSL - Combined Single Limit
14. DGR - Dangerous Goods Regulation
15. DSS - Department of State Security Service
16. FCOP - Foreign Carriers' Operating Permit
17. FIR - Flight Information Region
18. FIS - Flight Information Service
19. GSA - General Sales Agent
20. IS - Implementing Standard
21. LAR - Life Animal Regulation
22. MTOW - Maximum Take-off Weight
23. NANTA - National Association of Nigerian Travel Agents
24. NCASP - National Civil Aviation Security Programme
25. NDLEA - National Drug Law Enforcement Agency
26. Nig. CARs - Nigeria Civil Aviation Regulations
27. NIPOST - Nigerian Postal Services
28. NNFP - Nigerian National Facilitation Programme

B 2512

- 29. PNCF - Permit for Non-Commercial Flights
- 30. PAAS - Permit for Aerial Aviation Services
- 31. PHS - Personal History Statement
- 32. PRM - Person with Reduced Mobility
- 33. SLA - Service Level Agreement
- 34. SDR - Special Drawing Right
- 35. TSC - Ticket Sales Charge

18.2. AIR TRANSPORT LICENSING

Licences and Permits.

18.2.1. This subpart prescribes the types of licences, permits and/or any other authorization for scheduled and non-scheduled flight operations.

Licences for Scheduled Domestic Flight Operations.

18.2.2. This section shall apply to the carriage of passengers, mail and cargo by air for hire and reward in public transport category.

18.2.2.1. No person shall engage in scheduled air transport business in Nigeria for the carriage of passengers, mail or cargo for hire and reward in public transport category between two or more places in Nigeria unless such a person holds an Air Transport Licence (ATL) issued by the Authority and operates in accordance with its provisions.

18.2.2.2. An application for the grant or renewal of an ATL shall be made in writing to the Authority and shall meet the requirements as specified in IS:18.2.2.2 (A) and IS:18.2.2.2 (B) and as may be published by the Authority from time to time.

18.2.2.3. The Authority if satisfied that the applicant has met and complied with the requirements for the grant or renewal of an ATL shall grant or renew the licence.

18.2.2.4. An ATL shall be valid for a period of five (5) years and subject to renewal every five years and on such terms and conditions as may be specified by the Authority from time to time.

18.2.2.5. An ATL not utilized at the expiration of its validity period shall not be renewed by the Authority, notwithstanding, the holder of the ATL may apply for a fresh issuance.

18.2.2.6. The holder of an ATL shall continue to be in a position to demonstrate to the Authority its ability to meet the conditions set forth in the ATL.

18.2.2.7. If on the date of the expiration of a licence, an application for renewal is pending with the Authority, the expiring licence may continue in force under such terms and conditions as may be prescribed by the Authority. This provision shall only apply if all the required documents for renewal of the

licence have been submitted to the Authority and the delay in the renewal of the ATL is occasioned by a third party.

18.2.2.8. Each holder of an ATL shall submit to the Authority annually or, at such times as the Authority may deem fit, a list showing the names of its shareholders or any person(s) holding more than five percent (5%) shareholding in the company together with the names of any person on whose behalf such shares are held.

18.2.2.9. Each holder of an ATL shall file with the Authority, a true copy of every contract or agreement affecting air transportation or any modification or cancellation thereof, between the air carrier and any other air carrier or other bodies. The Authority may disapprove of such contract or agreement whether or not previously approved if found to be in violation of these regulations, rules and orders made by the Authority or against public interest.

18.2.2.10. The Authority may suspend or revoke an ATL if the holder of the ATL contravenes any of the provisions of the Civil Aviation Act, these regulations, rules and orders made thereunder and any such condition subject to which the ATL was granted.

18.2.2.11. If the Authority decides to suspend or revoke any ATL the Authority shall :

(a) Give a written notice to the holder of the ATL specifying the violation(s) ;

(b) Specify in the written notice the right of the holder of the ATL to make representations in writing regarding the alleged violation(s) within thirty (30) days of the receipt of the written notice from the Authority ;

(c) Upon receipt of the representations from the holder of the ATL, the Authority shall make an evaluation and inform the holder of the ATL of its determination ;

(d) Notwithstanding the above, the Authority may by written notice, convey to the holder of the ATL its decision to suspend the ATL if it is in the interest of safety.

18.2.2.12. The Authority shall publish for the information of the general public, its decision regarding an application for suspension or revocation of an ATL.

18.2.2.13. An ATL shall not be granted or renewed without a security clearance issued by the Government of the Federal Republic of Nigeria.

18.2.3. This section shall apply to the carriage of passengers, mail and cargo by air for hire and reward in public transport category on non-scheduled or charter basis.

Airline
Operating
Permit
(AOP).

18.2.3.1. No person shall use any aircraft in Nigeria for hire and reward in public transport category to provide non-scheduled or charter air service unless such a person holds an ATL or Airline Operating Permit (AOP) issued by the Authority.

18.2.3.2. Application for the grant or renewal of an AOP shall be made in writing to the Authority and shall meet the requirements as specified in IS:18.2.3 (A) and IS:18.2.3 (B) or such other information as may be published by the Authority from time to time.

18.2.3.3. The Authority if satisfied that the applicant has met and complied with the requirements for the grant or renewal of an AOP shall grant or renew the permit.

18.2.3.4. An AOP shall be valid for a period of three (3) years and subject to renewal every 3 years on such terms and conditions as may be specified by the Authority from time to time.

18.2.3.5. An AOP not utilized at the expiration of its validity period shall not be renewed by the Authority, notwithstanding, the holder of the AOP may apply for a fresh issuance.

18.2.3.6. The holder of a permit granted by the Authority under this regulation shall at all times be in a position to demonstrate the ability to meet the conditions as set forth in the AOP.

18.2.3.7. If at the expiration of an AOP, an application for renewal is pending with the Authority, the expiring AOP may continue in force under such terms and conditions as prescribed by the Authority. This provision shall only apply if all the required documents for renewal of the AOP have been submitted to the Authority and the delay is occasioned by a third party.

18.2.3.8. Each holder of an AOP shall submit to the Authority annually or at such times as the Authority may deem fit, a list showing the names of its shareholders or any person(s) holding more than five percent (5%) shareholding in the company together with the names of any person on whose behalf such shares are held.

18.2.3.9. Each holder of an AOP shall file with the Authority, a true copy of every contract or agreement affecting air transportation or any modification or cancellation thereof, between the air carrier and any other air carrier or other bodies. The Authority may disapprove of such contract or agreement whether or not previously approved if found to be in violation of these regulations, rules and orders made by the Authority or against public interest.

18.2.3.10 The Authority may suspend or revoke an AOP if the holder of the AOP contravenes any of the provisions of the Civil Aviation Act, these regulations, rules and order made thereunder and any such condition subject to which the AOP was granted.

18.2.3.11. If the Authority decides to suspend or revoke any AOP, the Authority shall :

(a) give a written notice to the holder of the AOP specifying the violation(s) ;

(b) Specify in the written notice the right of the holder of the AOP to make representations in writing regarding the alleged violation(s) within thirty (30) days of the receipt of the written notice from the Authority ;

(c) Upon receipt of the representations from the holder of the AOP, the Authority shall make an evaluation and inform the holder of the AOP of its determination ; and

(d) Notwithstanding the above, the Authority may by written notice, convey to the holder of the AOP its decision to suspend the AOP if it is in the interest of safety.

18.2.3.12. The Authority shall publish for the information of the general public, its decision regarding an application for suspension or revocation of an AOP.

18.2.3.13. An AOP shall not be granted or renewed without a security clearance issued by the Government of the Federal Republic of Nigeria.

18.2.4. This section shall apply to flight operations undertaken for non-commercial or private purposes :

Permit for
Non-
Commercial
Flight
Operations
(PNCF).

18.2.4.1. No person shall use any aircraft for non-commercial purposes between two or more places in Nigeria, unless such a person holds a Permit for Non-Commercial Flights (PNCF) issued by the Authority.

18.2.4.2. Application for the grant or renewal of a PNCF shall be made in writing to the Authority and shall meet the requirements as specified in IS:18.2.4(A) and IS:18.2.4(B) or such other information as may be published by the Authority from time to time..

18.2.4.3. The Authority if satisfied that the applicant has complied with the requirements for the grant or renewal of the PNCF, shall grant or renew the PNCF.

18.2.4.4. A PNCF shall be valid for a period of three (3) years and subject to renewal every three years on such terms and conditions as may be specified by the Authority from time to time.

18.2.4.5. A PNCF not utilized at the expiration of its validity period shall not be renewed by the Authority notwithstanding, the holder of the PNCF may apply for a fresh issuance.

18.2.4.6. The holder of a PNCF shall continue to demonstrate to the Authority its ability to meet the conditions set forth in the PNCF. In addition,

the holder must have adequate resources for the maintenance and safe operation of the aircraft.

18.2.4.7. Each holder of a PNCF shall file with the Authority, a true copy of every contract or agreement affecting air transportation or any modification or cancellation thereof, between the holder and any other person including air carriers.

18.2.4.8. The Authority shall charge such fees as it may determine for processing the grant and renewal of PNCF.

18.2.4.9. The holder of PNCF shall pay such annual fee as may be determined by the Authority from time to time.

18.2.4.10. The Authority may vary, suspend or revoke a PNCF if the holder of the PNCF contravenes any of the provisions of the Civil Aviation Act, these regulations, rules and order made thereunder and any such condition subject to which the PNCF was granted.

18.2.4.11. The holder of PNCF shall be required to pay for variation of its permit, such fee as may be determined by the Authority from time to time.

18.2.4.12. If the Authority decides to suspend or revoke any PNCF, the Authority shall :

(a) Give a written notice to the holder of the PNCF specifying the violation(s) ;

(b) Specify in the written notice the right of the holder of the PNCF to make; representations in writing regarding the alleged violation(s) within thirty (30) days of the receipt of the written notice from the Authority ;

(c) Upon receipt of the representations from the holder of the PNCF, the Authority shall make an evaluation and inform the holder of the PNCF of its determination ;

(d) Notwithstanding the above, the Authority may by written notice, convey to the holder of the PNCF its decision to suspend the PNCF if it is in the interest of safety.

18.2.4.13. The Authority shall publish, for the information of the general public, its decision regarding an application for suspension or revocation of a PNCF.

18.2.4.14. A PNCF shall not be granted or renewed without a security clearance issued by the Government of the Federal Republic of Nigeria.

Air Travel
Organiser's
Licence
(ATOL).

18.2.5. This section shall apply to tour organizers who are engaged in holiday travels, tour packages, special events, and religious pilgrimages.

18.2.5.1. No person shall organize tour operations for the purpose of holiday travels, tour packages, special events, religious pilgrimages unless in

accordance with the provisions of an Air Travel Organiser's Licence (ATOL) or other authorization issued by the Authority.

18.2.5.2. Application for the grant or renewal of an ATOL shall be made in writing to the Authority and shall meet the requirements as specified in IS:18.2.5(A) and IS:18.2.5(B) or such other information as may be published by the Authority from time to time.

18.2.5.3. The Authority if satisfied that the applicant has complied with the requirements for the grant or renewal of the ATOL, shall grant or renew the ATOL.

18.2.5.4. An ATOL shall be valid for a period of two (2) years and subject to renewal every two years and on such terms and conditions as may be specified by the authority from time to time.

18.2.5.5. An ATOL not utilized at the expiration of its validity period shall not be renewed by the Authority, notwithstanding the holder of the ATOL may apply for a fresh issuance.

18.2.5.6. The holder of an ATOL shall continue to demonstrate to the Authority its ability to meet the conditions set forth in the ATOL.

18.2.5.7. The Authority shall charge such fees as it may determine for processing the grant and renewal of an ATOL.

18.2.5.8. The Authority may suspend or revoke an ATOL if the holder of the ATOL contravenes any of the provisions of the Civil Aviation Act, these regulations, rules and order made thereunder and any such condition subject to which the ATOL was granted.

18.2.5.9. If the Authority decides to suspend or revoke any ATOL, the Authority shall :

- (a) Give a written notice to the holder of the ATOL specifying the violation(s) ;
- (b) Specify in the written notice the right of the holder of the ATOL to make representations in writing regarding the alleged violation(s) within thirty (30) days of the receipt of the written notice from the Authority ;
- (c) Upon receipt of the representations from the holder of the ATOL, the Authority shall make an evaluation and inform the holder of the ATOL of its decision ; and
- (d) Notwithstanding the above, the Authority may by written notice, convey to the holder of the ATOL its decision to suspend the ATOL if it is in the interest of safety.

18.2.5.10. The Authority shall publish, for the information of the general public, its decision regarding an application for suspension or revocation of an ATOL.

B 2518

Permit for
Aerial
Aviation
Services
(PAAS).

18.2.6. This section shall apply to the provision of aerial work operation, flying club, flying school and such other services as may be designated by the Authority from time to time.

18.2.6.1. No person shall provide aviation services such as aerial work, flying club, flying school and such other services as may be designated by the Authority from time to time, unless he is a holder of a Permit for Aerial Aviation Services (PAAS) or other authorizations issued by the Authority.

18.2.6.2. Application for the grant or renewal of a PAAS shall be made in writing to the Authority and shall meet the requirements as specified in IS:18.2.6 (A) and IS:18.2.6 (B) or such other information as may be published by the Authority from time to time.

18.2.6.3. The Authority if satisfied that the applicant has complied with the requirements for the grant or renewal of the PAAS shall grant or renew the PAAS.

18.2.6.4. A PAAS shall be valid for a period of three (3) years and subject to renewal every three years and on such terms and conditions as may be specified by the Authority from time to time.

18.2.6.5. A PAAS not utilized at the expiration of its validity period shall not be renewed by the Authority notwithstanding the holder of the PAAS may apply for a fresh issuance.

18.2.6.6. The holder of a PAAS shall continue to demonstrate to the Authority its ability to meet the conditions set forth in the PAAS.

18.2.6.7. If at the expiration of a PAAS, an application for renewal is pending with the Authority, the expiring PAAS may continue in force under such terms and conditions as prescribed by the Authority. This provision shall only apply if all the required documents for renewal of the PAAS have been submitted to the Authority and the delay is occasioned by a third party.

18.2.6.8. Each holder of a PAAS shall submit to the Authority annually or, at such times as the Authority may deem fit, a list showing the names of its shareholders or any person(s) holding more than five percent (5%) shareholding in the company together with the names of any person on whose behalf such shares are held.

18.2.6.9. Each holder of a PAAS shall file with the Authority, a true copy of every contract or agreement affecting air transportation or any modification or cancellation thereof, between the holder of PAAS and any air carrier or other bodies.

18.2.6.10. The Authority may suspend or revoke a PAAS if the holder of the PAAS contravenes any of the provisions of the Civil Aviation Act, these

regulations, rules and orders made thereunder and any such condition subject to which the PAAS was granted.

18.2.6.11. If the Authority decides to suspend or revoke any PAAS, the Authority shall :

- (a) Give a written notice to the holder of the PAAS specifying the violation(s) ;
- (b) Specify in the written notice the right of the holder of the PAAS to make representations in writing regarding the alleged violation(s) within thirty (30) days of the receipt of the written notice from the Authority ;
- (c) Upon receipt of the representations from the holder of the PAAS, the Authority shall make an evaluation and inform the holder of the PAAS of its determination ; and
- (d) Notwithstanding the above, the Authority may by written notice, convey to the holder of the PAAS its decision to suspend the PAAS if it is in the interest of safety.

18.2.6.12. The Authority shall publish for the information of the general public, its decision regarding an application for suspension or revocation of a PAAS.

18.2.6.13. An applicant for a PAAS shall not be incorporated under Part C of the Companies and Allied Matters Act and any amendment thereof.

18.2.6.14. A PAAS shall not be granted or renewed without a security clearance issued by the Government of the Federal Republic of Nigeria.

18.3. DOMESTIC OPERATIONS

18.3.1. General.

18.3.1.1. This section shall apply to domestic airline operations in Nigeria. General.

18.3.1.2. Subject to these regulations, domestic airlines may determine the route(s) to operate, the frequency or frequencies of operations and fares to be charged.

18.3.1.3. All domestic airlines operating in Nigeria shall notify the Authority of the route(s) to operate, the frequency or frequencies of operations and fares charged prior to the introduction of these routes, frequencies and fares.

18.3.2. Scheduled Domestic Operations

18.3.2.1. Prior to commencement of operation, an ATL holder shall : Scheduled Domestic Operations.

(i) obtain Air Operator Certificate (AOC) from the Authority ;

(ii) have at least three (3) airworthy aircraft capable of servicing the approved schedule in its fleet ;

B 2520

(iii) provide adequate insurance cover for passengers, cargo and third party.

18.3.2.2. An ATL holder who is already in operation shall at all times have at least two (2) airworthy aircraft capable of servicing the approved schedule in its fleet.

18.3.2.3. All airlines engaged in domestic operations that have in place arrangements for tickets interlining shall submit a copy of the agreement to the Authority.

18.3.2.4. All Airlines engaged in domestic operations shall operate in accordance with the conditions specified in their Licences.

18.3.3. Non-Scheduled Domestic Operations (Charter).

Non-Scheduled Domestic Operations (Charter).

18.3.3.1. A Holder of Airline Operating Permit (AOP) or Air Transport Licence (ATL) prior to commencement of non-scheduled operation shall :

(i) obtain Air Operator Certificate (AOC) from the Authority ; and

(ii) provide adequate insurance cover for passengers, cargo and third party.

18.3.3.2. All domestic Airlines engaged in non-scheduled operations shall not sell tickets or carry out any form of scheduled operations.

18.3.3.3. All domestic Airlines engaged in non-scheduled operations shall submit their client invoice and passenger manifest to the Authority for every flight.

18.3.3.4. All domestic Airlines engaged in non-scheduled operations shall operate in accordance with the conditions specified in their Permits.

18.3.4. Non-Commercial Operations (Private).

Non-Commercial Operations (Private).

18.3.4.1. Holders of Permit for Non-Commercial Flights (PNCF) shall :

(i) prior to the commencement of operations obtain Safety Certificates (including Maintenance Clearance Certificate (MCC) and Flight Operations Clearance Certificate (FOCC) for foreign registered aircraft) from the Authority ;

(ii) submit to the Authority details of their flight operations including names of passengers carried, route(s) operated and times of operations ;

(iii) not engage in any form of carriage of passengers, cargo or mail for hire and reward ; and

(iv) operate in accordance with the conditions specified in their Permits.

18.3.5. Aerial Aviation Services

18.3.5.1 Holders of Permit for Aerial Aviation Services (PAAS) shall :

Aerial
Aviation
Services.

(i) obtain Safety Certificates from the Authority before commencement of operations ;

(ii) not engage in any form of carriage of passengers, cargo or mail for hire and reward;

(iii) not engage in any form of operation different from those specified in their Permits ; and

(iv) operate in accordance with the conditions contained in their Permits.

18.3.6. Holders of Air Travel Organizer’s Licence (ATOL) shall :

Organized
package
tours.

(i) not engage in aircraft operations ;

(ii) have current and adequate Bank/Insurance Bonds to cover their operations ;

(iii) ensure that their passengers are catered for and are treated in accordance with the contract of carriage and as specified in these Regulations ; and

(iv) operate in accordance with the conditions specified in their Licences.

18.3.7. Self-Handling Operations.

18.3.7.1. Where a domestic airline decides to handle itself, it shall obtain approval from NCAA after duly fulfilling the statutory requirements as specified by Part 18.9 of this Regulations.

Self-
Handling
Operations.

18.3.8. All domestic airlines shall join and trade on the IATA Billing and Settlement Plan (BSP).

Billing and
Settlement
Plan (BSP).

18.4. REGIONAL AND INTERNATIONAL OPERATIONS BY NIGERIAN AIRLINES

18.4.1. Scheduled Operations by Nigerian Airlines.

Scheduled
Operations
by Nigerian
Airlines.

18.4.1.1. The Authority shall issue an Air Carrier’s Permit (ACP) to designated Nigerian airlines on international routes, subject to the airline fulfilling the requirements specified in IS 18.4.1.1 to these regulations and as may be published by the Authority from time to time.

18.4.1.2. All Nigerian airlines designated on regional and international routes in addition to obtaining safety certificates shall :

(i) Join IATA and the IATA Clearing House ;

(ii) have adequate financial capability for such operations.

18.4.1.3. All Nigerian airlines shall endeavour to have foreign technical partners.

Non-Scheduled Operations by Nigerian Airlines.

18.4.2. Non-Scheduled Passenger (Charter) Operations—Commercial

18.4.2.1. Holders of Air Operator Certificates (AOC) are not required to obtain flight clearances from the Authority prior to undertaking non-scheduled international operations, but shall be required to depart and enter the country through designated customs airports.

18.4.2.2. Non- Scheduled Cargo (Charter) Operations.

Holders of Airline Operating Permit (AOP) engaged in cargo operations shall :

- (i) obtain Air Operator Certificates (AOC) from the Authority prior to commencement of operation ;
- (ii) engage in cargo operations worldwide ;
- (iii) not pay royalty on cargo carried ;
- (iv) put in place adequate insurance cover for its cargo operations ;
- (v) submit to the Authority their air waybills and client invoices ; and
- (vi) enter and depart the country through designated customs airports.

18.4.2.3. Private Operations.

18.4.2.3.1. No person shall operate a private aircraft into and out of Nigeria without a flight clearance issued by the Authority. Such operations shall be undertaken only at designated Customs' airports.

18.4.2.4. Obtaining Information on Licences and Permits

18.4.2.4.1. Persons who intend to obtain information on Licences, Permits and Certificates issued by the Authority shall apply in writing to the Authority and shall pay the appropriate search fees as may be prescribed by the Authority.

18.5. FOREIGN AIRLINE OPERATIONS INTO AND OUT OF NIGERIA

18.5.1. Scheduled Operations by Foreign Airlines.

Scheduled Operations by Foreign Airlines.

18.5.1.1. Operations by Designated Foreign Airlines.

18.5.1.2. No Foreign Airlines shall engage in scheduled operations into and out of Nigeria, without a Foreign Carrier Operating Permit (FCOP) issued by the Authority.

18.5.1.3. Foreign airlines shall fulfill the requirements specified in IS:18.5.1.1.3 (A) and IS:18.5.1.1.3 (B) to these regulations as may be published by the Authority from time to time.

18.5.1.4. The Authority shall carry out safety assessment audit of the airline's base prior to the issuance of FCOP and commencement of operations.

18.5.1.5. Where the holder of a FCOP violates any provision of the Act, Regulations, Rules and Orders made thereunder, the Authority may suspend or revoke the FCOP.

18.5.1.6. Foreign airlines operating into and out of Nigeria for the purpose of scheduled international air services shall not have sales offices or outlets in cities other than the point(s) of entry specified in the subsisting bilateral air services agreement under which the foreign carrier is designated, and this shall be limited to the airports.

18.5.1.7. Foreign airlines operating into and out of Nigeria for the purpose of scheduled international air services shall not distribute tickets through banks and other financial institutions.

18.5.1.8. No Foreign airlines shall engage in self handling, but shall use the services of duly registered Nigerian handling companies.

18.5.2. Non-Scheduled Passenger (Charter) Operations by Foreign Airlines.

18.5.2.1. No foreign airline shall conduct non-scheduled (charter) operations into and out of Nigeria without a flight clearance issued by the Authority.

Non-Scheduled Passenger (Charter) Operations by Foreign Airlines.

18.5.2.2. No foreign airline shall engage in non-scheduled (charter) passenger operations into and out of Nigeria except in conjunction with a Nigerian ATOL holder.

18.5.2.3. A foreign airline engaged in non scheduled cargo operations into and out of Nigeria shall obtain approval from the Authority and also pay royalty to the Authority.

18.6.1. The Authority will monitor the operations of all foreign airlines operating into and out of Nigeria to ensure that their operations are in accordance with the provisions of the subsisting BASAs, MASAs, Commercial Agreements and approvals guiding their operations.

Monitoring of Foreign Operations.

18.6.2. The Authority will ensure that the frequencies being operated by foreign airlines are in accordance with the Seasonal Schedules approved by the Minister.

18.6.3. This sub section shall apply to the collection of flight data, billing and maintenance of account or accounts for the payment of royalties accruing to the country from commercial agreements with foreign airlines.

Commercial Agreements.

18.6.4. All foreign airlines having commercial agreements with Nigeria shall pay all royalties accruing to the country into a designated account(s) with the Central Bank of Nigeria (CBN).

18.6.5. All foreign airlines operating under commercial agreements shall forward to the Authority, passenger and cargo manifests, load sheets, air waybills and any other information that will be necessary for accurate billing, not later than twenty-four (24) hours after each flight.

18.6.6. A Reconciliation Committee shall be instituted for the purpose of resolution of disputes and discrepancies arising from bills forwarded to the foreign airlines by the Authority. The Reconciliation Committee shall comprise the Ministry, the Authority and the concerned airline.

18.6.7. Non-compliance with the terms of payment in the commercial agreement by any airline will result in the suspension or withdrawal of such services in addition to up to nine *percent* (9%) compound interest rate on the unsettled amount to be reflected in subsequent commercial agreements.

18.6.6.1. Multilateral Agreements.

The Authority will continue to promote the interests of Nigeria in the monitoring and implementation of the Yamoussoukro Decision, The Banjul Accord Group (BAG) Agreements and other Multilateral Agreements and Protocols to which Nigeria is signatory.

18.6.6.2. The Authority will continue to support and facilitate the implementation of the resolution of the Banjul Accord Group Council of Ministers to turn airline operations of the BAG States into domestic operations.

18.6.7.1. Open Skies Agreements.

The Authority shall continue to promote the interest of Nigeria, Nigerian airlines as well as the sustainable development of the Nigerian aviation industry, in fulfilling the country's obligation in any open skies agreement to which Nigeria is a signatory.

Airport and
Air
Navigation
Services.

18.7.1. This section shall apply to the economic regulation of airports, air navigation services, and other related services.

18.7.2. Entry into the Airport Business.

Any person, state or local government intending to provide airport services shall show evidence of adequate financial capability to provide the necessary infrastructure in accordance with the guidelines and requirements set by the Authority.

Any person intending to establish aerodrome or take over an existing aerodrome shall obtain Security Clearance from the relevant agency in Nigeria.

18.7.3. Regulation of Charges, Fees and Tariffs.

All airport operators, air navigation service provider(s), and other service providers shall obtain the approval of the Authority before revising and imposing new charges, fees and tariffs for their services.

18.7.4. All airports and air navigation service providers shall provide financial or other data as may be required by the Authority to determine the basis for charges, fees and tariffs.

18.7.5. All airports and air navigation service providers shall adhere to the principles and procedures of consultation with users, cost-relatedness, non-discrimination and transparency in the application of charges, fees and tariffs.

18.7.6. All airports and air navigation service providers shall adhere to the policies, principles and guidelines contained in ICAO's documents, Doc.9082 (ICAO's Policies on Charges for Airports and Air Navigation Services), Doc.9562 (Airport Economic Manual) and Doc.9161 (Manual on Air Navigation Services Economics) or any amendment thereto.

18.7.7. Any person(s) who violates the provision of regulations 18.7.3.1 shall be liable to the penalty set forth in the sanctions regime of these regulations.

18.7.8. Service Level Agreements (SLAs).

All airports and air navigation service providers shall develop internal mechanisms for performance monitoring.

18.7.9. All airports and air navigation service providers shall enter into service level agreements (SLAs) with the users of their services.

18.7.10. Financial Returns and Other Obligations.

All airports and air navigation service providers shall submit to the Authority a 5-year business plan.

18.7.11. All airports and air navigation service providers shall submit their financial returns yearly, or at such periodic intervals in formats as may be prescribed by the Authority.

18.7.12. These financial returns shall include, but not be limited to income and expenditure statement, profit and loss statement, cash flow statement, insurance policy and evidence of payment of premiums, and other returns that may be required by the Authority.

18.8. FACILITATION OF AIR TRANSPORT.

18.8.1. This subpart shall apply to rules governing the administration, efficient processing and expeditious clearance of passengers, crew, aircraft, baggage, cargo and mail at the airports.

Facilitation
of Air
Transport.

18.8.2. The provisions of this subpart incorporate relevant guidelines and Standards and Recommended Practices (SARPs) contained in Annex 9 to the Convention on International Civil Aviation, and international best practices.

18.8.3. The provisions of this regulation shall apply to all categories of aircraft operations in Nigeria.

18.8.4. The Authority shall collaborate with all relevant facilitation and security agencies at the airports to ensure that the time required for the processing of passengers, crew, aircraft, baggage, cargo and mail is kept to the minimum without compromising security.

18.8.5. The Authority shall collaborate with all relevant Government agencies at the airports to ensure that minimum inconvenience is caused by the application of administrative and control requirements.

18.8.6. The Authority shall foster and promote the exchange of information amongst operators, airports and relevant facilitation and security agencies operating at the airports.

18.8.7. Relevant security agencies (customs narcotic control, State security etc) in Nigeria shall use risk management (including profiling) in the release and clearance of goods at the nation's airports.

18.8.8. All airport operators shall put in place efficient and effective information technology facilities at the airports.

Approval for entry and departure of aircraft.

18.8.9. Approval for entry and departure of aircraft.

18.8.9.1. This subpart shall apply to the approval for entry and departure of aircraft for non-schedule operations.

18.8.9.2. The Authority shall collaborate with all facilitation and security agencies at the airports to put in place appropriate measures for the efficient approval of aircraft arriving into and departing from all international airports in Nigeria without compromising security.

18.8.9.3. No airport operator shall prevent any aircraft from landing at any international airport for public health reason(s) unless such action is taken in accordance with the International Health Regulations (IHR) 2005 of World Health Organization (WHO).

18.8.9.4. The Authority shall request for supporting documents in respect of application for flight approval as specified by the Authority from time to time.

18.8.9.5. Visas are not required and fees shall not be charged for documentation for any aircraft entering or departing the country except the fees specified by the National laws.

18.8.9.6. Documents for entry and departure of aircraft shall be made in English.

18.8.9.7. Applications for grant of flight approval shall be made in paper or electronic form in the format prescribed by the Authority from time to time.

18.8.9.8. Airlines forwarding their Passenger Manifests to security agencies or other facilitation agencies shall ensure that such manifests are as presented in the format prescribed by the Authority from time to time.

18.8.9.10. Airlines forwarding their Cargo Manifests and Air Waybills to security agencies or other facilitation agencies shall ensure that such manifests and Air Waybills are as prescribed by the Authority.

18.8.9.11. The Authority will notify all security agencies at the airports of all requests for flight approval for non-scheduled operations received by the Authority prior to arrival of aircraft.

18.8.9.12. Requests for flight approval shall not be made through diplomatic channels except the flight is diplomatic in nature.

18.8.9.13. The Authority will establish procedures for processing flight approval and shall specify date of arrival and date of departure of flight, and points of entry and departure.

18.8.9.14. All requests for flight approval shall contain details as specified by the Authority from time to time.

18.8.9.15. The Authority will collaborate with security agencies to ensure that departure/arrival formalities for aircraft processing are completed within 60 minutes.

18.8.10. Clearance for entry and departure of persons.

Clearance for entry and departure of persons.

18.8.10.1. This subpart shall apply to the expeditious clearance of persons entering into and departing from all airports in Nigeria.

18.8.10.2. The Authority will collaborate with all facilitation and security agencies at the airports to put in place appropriate measures for the efficient clearance of passengers and crew arriving into and departing from all international airports in Nigeria without compromising security.

18.8.10.3. No document other than those specified by the Nigerian Immigration Service shall be required for the entry into and departure from all international airports in Nigeria.

18.8.10.4. Nigerian passengers travelling out of or into the country shall continue to carry machine readable passports.

18.8.10.5. All airlines and aircraft operators shall ensure that passengers are in possession of documents as specified by Nigeria Immigration Service before embarkation.

18.8.10.6. The Authority will continue to collaborate with all facilitation and security agencies at the airport to ensure that passengers are processed for departure within 60 minutes and arrival within 45 minutes.

18.8.10.7. All airport operators shall collaborate with relevant facilitation and security agencies to adopt dual passenger flow channel system based on risk management to process inbound passengers and their baggage.

18.8.11. CLEARANCE FOR ENTRY AND DEPARTURE OF CARGO

18.8.11.1. This subpart shall apply to the expeditious clearance of cargo and other articles entering into and departing from all airports in Nigeria.

18.8.11.2. The Authority will collaborate with all facilitation and security agencies at the airports to put in place appropriate measures for the efficient clearance of cargo and other articles arriving into and departing from all international airports in Nigeria without compromising security.

18.8.11.3. All airport operators shall put in place modern screening techniques to facilitate the physical examination for goods to be imported or exported.

18.8.11.4. The production and presentation of cargo manifests and airwaybills in manual or electronic form shall be the responsibility of the aircraft operator or its authorized agent.

18.8.11.5. All cargo owners shall provide other required documents for clearance of goods as required by the Nigeria Customs Service.

Facilities and services for traffic at international airports.

18.8.12. Facilities and services for traffic at international airports.

18.8.12.1. All airport operators shall ensure the provision of facilities and services at all international airports for efficient and effective processing of passengers, crew, baggage, cargo, mail and aircraft.

18.8.12.2. All airport operators shall provide adequate facilities for the efficient embarkation and disembarkation of passengers, cargo and mail at all airports in Nigeria.

18.8.12.3. All airport operators in Nigeria shall provide signage in accordance with guidance contained in the ICAO Doc 9636 (International Signs to Provide Guidance to Persons at Airports and Marine Terminals).

18.8.12.4. All airport operators shall maintain flight information systems at the airports in accordance with Doc 9249 (Dynamic Flight-Related Public Information Displays).

18.8.12.5. All airport operators shall provide adequate flow channels for expeditious clearance of inbound and outbound passengers, crew and baggage.

18.8.12.6. All airport operators in Nigeria shall ensure the availability of assistance to passengers in the carriage of their baggage from baggage claim areas to surface transportation areas.

18.8.12.7. All airport operators shall provide facilities where unclaimed, unidentified and mishandled baggage is kept securely until cleared, forwarded, claimed or disposed of in accordance with the extant regulations.

18.8.12.8. All airport operators shall provide facilities for the operations of public health including Human, animal and plant quarantine at all international airports in Nigeria.

18.8.12.9. All aircraft operators operating scheduled services in to and out of Nigeria shall make available their approved schedules to airport operators to enable them make available adequate facilities for efficient operations.

18.8.12.10. All airport operators may not directly collect passenger service charge or any other charge or tax from passengers.

18.8.12.11. Airport and airlines Operators shall put in place automated facilities for passenger and cargo processing as well as the collection of checked baggage.

18.8.12.12. Airport operators shall provide car parking facilities for long and short term usage by passengers, visitors, crew and staff at international airports.

18.8.13. PERSONS WITH REDUCED MOBILITY

18.8.13.1. Every airport operator, airline and ground handling company shall provide facilities at the airports to enhance the movement of Persons with Reduced Mobility (PRM) and also ensure that no passenger is discriminated against on the grounds of his/her disability or reduced mobility.

18.8.14. NIGERIA NATIONAL FACILITATION PROGRAMME

18.8.14.1. The Authority shall initiate the process for the establishment of a National Facilitation Programme to provide for and facilitate the border-crossing formalities that must be accomplished with respect to aircraft engaged in international operations and their passengers, crew and cargo. The composition, terms of reference and mode of operations of the Nigeria National Facilitation Programme shall be as specified in the Nigeria National Facilitation Programme Manual.

Nigeria
National
Facilitation
Programme.

18.8.14.2. There shall be established a Nigeria National Facilitation Committee which shall be headed by the Director General.

18.8.14.3. The composition, terms of reference and mode of operations of the Nigeria National Facilitation Committee shall be as specified in IS:18.8.14 of these Regulations.

18.8.15. AIRPORT FACILITATION PROGRAMME

18.8.15.1. Every airport operator shall establish an Airport Facilitation Committee at its airport.

Airport
Facilitation
Programme.

18.8.15.2. The composition, terms of reference and mode of operations of the Airport Facilitation Committee shall be as specified in IS:18.8.15.2.(A) and (B) of these Regulations

18.8.16. AIRPORT SLOT ALLOCATION COMMITTEE

18.8.16.1. Every airport operator shall establish where necessary, a Slot Allocation Committee, which shall ensure the continued access of airlines to the airport on a fair, transparent and non-discriminatory basis.

Airport Slot
Allocation
Committee.

B 2530

18.8.16.2. The composition, terms of reference and mode of operation of the Slot Allocation Committee shall be as specified in IS18.8.6.2 of these Regulations.

Airport
Health
Regulations.

18.8.17. Airport Health Regulations.

18.8.17.1. No airport operator shall prevent any aircraft from landing at any international airport for public health reason(s) unless such action is taken in accordance with the International Health Regulations (2005) of World Health Organization (WHO).

18.8.17.2. In cases where, in exceptional circumstances, air transport service suspensions on public health grounds are under consideration, the World Health Organization and the Federal Ministry of Health (FMOH) shall first be consulted by the Authority before taking any decision as to the suspension of air transport services.

18.8.17.3. If, in response to a specific public health risk or a public health emergency of international concern, the Authority is considering introduction of health measures in addition to those recommended by WHO, it shall do so in accordance with the International Health Regulations (2005), including but not limited to Article 43, which states, in part, that when determining whether to implement the additional health measures, relevant Parties shall base their determinations upon :

(a) scientific principles ;

(b) available scientific evidence of a risk to human health, or where such evidence is insufficient, the available information including from WHO and other relevant intergovernmental organizations and international bodies ; and

(c) any available specific guidance or advice from WHO.

18.8.17.4. A General Declaration when required, the information requirements shall be limited to the elements indicated in I.S 18.8.1. The information shall be accepted in either electronic or paper form.

18.8.17.5. The Authority shall not normally require the presentation of a Passenger Manifest. On those occasions when a Passenger Manifest is required, the information requirements shall be limited to the elements indicated in I.S. 18.8.2. The information shall be accepted in either electronic or paper form.

Disinsection
of Aircraft.

18.8.18. Disinsection of Aircraft.

18.8.18.1. The Authority shall limit any routine requirement for the disinsection of aircraft cabins and flight decks with an aerosol while passengers and crews are on board, to same-aircraft operations originating in, or operating via, territories that they consider to pose a threat to their public health, agriculture or environment.

18.8.18.2. The Authority shall periodically review the requirements for the Disinsection of aircraft and shall modify them, as appropriate, in the light of all available evidence relating to the transmission of insects to Nigeria via aircraft.

18.8.18.3. The Authority shall authorize or accept only those methods, whether chemical or non-chemical, and/or insecticides, which are recommended by the World Health Organization and are considered efficacious.

18.8.18.4. The Authority shall ensure that procedures for disinsection are not injurious to the health of passengers and crew and cause the minimum of discomfort to them.

18.8.18.5. The Authority shall, upon request, provide to aircraft operators appropriate information, in plain language, for air crew and passengers, explaining the pertinent national regulation, the reasons for the requirement, and the safety of properly performed aircraft disinsection.

18.8.18.6. When disinsection has been performed in accordance with procedures recommended by the World Health Organization, the Authority shall accept a pertinent certification on the General Declaration as provided for in I.S. 18.8.1 or, in the case of residual disinsection, the Certificate of Residual Disinsection set forth in I.S. 18.8.3.

18.8.18.7. When disinsection has been properly performed pursuant to 18.8.20.3 and a certificate as indicated in 18.8.20.6 is presented or made available to the public authorities in the country of arrival, the authorities shall normally accept that certificate and permit passengers and crew to disembark immediately from the aircraft.

18.8.18.8. The Authority shall ensure that any insecticide or any other substance used for disinsection does not have a deleterious effect on the structure of the aircraft or its operating equipment. Flammable chemical compounds or solutions likely to damage aircraft structure, such as by corrosion, shall not be employed.

18.8.19. DISINFECTION OF AIRCRAFT

18.8.19.1. The Authority shall determine the conditions under which aircraft are disinfected. When aircraft disinfection is required, the following provisions shall apply :

Disinfection
of Aircraft.

(a) the application shall be limited solely to the container or to the compartment of the aircraft in which the traffic was carried ;

(b) the disinfection shall be undertaken by procedures that are in accordance with the aircraft manufacturer and any advice from WHO ;

(c) the contaminated areas shall be disinfected with compounds possessing suitable germicidal properties appropriate to the suspected infectious agent ;

(d) the disinfection shall be carried out expeditiously by cleaners wearing suitable personal protective equipment ; and

(e) flammable chemical compounds, solutions or their residues likely to damage aircraft structure, or its systems, such as by corrosion, or chemicals likely to damage the health of passengers or crew, shall not be employed.

NOTE.— When aircraft disinfection is required for animal health reasons, only those methods and disinfectants recommended by the International Office of Epizootics should be used.

18.8.19.2. The Authority shall ensure that where there is contamination of surfaces or equipment of the aircraft by any bodily fluids including excreta, the contaminated areas and used equipment or tools shall be disinfected.

International
Certificates
of Vaccina-
tion or
Prophylaxis.

18.8.20. International Certificates of Vaccination or Prophylaxis.

18.8.20.1. In cases where proof of vaccination or prophylaxis is required by national authorities under the International Health Regulations (2005), the Authority shall accept the International Certificate of Vaccination or Prophylaxis prescribed by the World Health Organization in the IHR (2005).

Facilities
required for
implementa-
tion of
Public
Health,
Emergency
Medical
Relief, and
Animal and
Plant
Quarantine
Measures.

18.8.21. Facilities required for implementation of Public Health, Emergency Medical Relief, and Animal and Plant Quarantine Measures.

18.8.21.1. The Authority, in cooperation with airport operators, shall ensure the maintenance of public health, including human, animal and plant quarantine at international airports.

18.8.21.2. The Authority shall ensure that there are, at or near all their major international airports, facilities and services for vaccination or revaccination, and for the delivery of the corresponding certificates.

18.8.21.3. International airports should have available access to appropriate facilities for administration of public health and animal and plant quarantine measures applicable to aircraft, crew, passengers, baggage, cargo, mail and stores.

18.8.21.4. The Airport Operator shall ensure that passengers and crew in transit can remain in premises free from any danger of infection and insect vectors of diseases and, when necessary, facilities should be provided for the transfer of passengers and crew to another terminal or airport nearby without exposure to any health hazard. Similar arrangements and facilities shall also be made available in respect of animals.

18.8.21.5. The Authority shall ensure that handling and distribution procedures for consumable products (i.e. food, drink and water supplies) on board aircraft or in the airport are in compliance with the International Health Regulations (2005) and relevant guidelines of the World Health Organization, the Food and Agriculture Organization and national airport regulations.

18.8.21.6. The Authority in cooperation with airport and aircraft operators, shall ensure that a safe, sanitary and efficient system is instituted, at international airports, for the removal and disposal of all waste, waste water and other matters dangerous to the health of persons, animals or plants, in compliance with the International Health Regulations (2005) and relevant guidelines of the World Health Organization, the Food and Agriculture Organization and national airport regulations.

18.8.21.7. The Authority, in cooperation with airport operators, shall ensure that international airports maintain facilities and services for first-aid attendance on site, and that appropriate arrangements are available for expeditious referral of the occasional more serious case to prearranged competent medical attention.

NOTE.— The World Health Organization shall be consulted on all issues concerning passenger health.

18.8.22. Implementation of International Health Regulations and Related Provisions.

Implementa-
tion of
International
Health
Regulations
and Related
Provisions.

18.8.22.1. The Authority shall comply with the pertinent provisions of the International Health Regulations (2005) of the World Health Organization.

18.8.22.2. The Authority shall take all possible measures to have vaccinators use the Model International Certificate of Vaccination or Prophylaxis, in accordance with Article 36 and Annex 6 of the International Health Regulations (2005), in order to assure uniform acceptance.

18.8.22.3. The Authority shall make arrangements to enable all aircraft operators and agencies concerned to make available to passengers, sufficiently in advance of departure, information concerning the vaccination requirements of the countries of destination, as well as the Model International Certificate of Vaccination or Prophylaxis conforming to Article 36 and Annex 6 of the International Health Regulations (2005).

18.8.22.4. The pilot-in-command of an aircraft shall ensure that a suspected communicable disease is reported promptly to air traffic control, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for the management of public health risks on arrival.

NOTE 1.— A communicable disease could be suspected and require further evaluation if a person has a fever (temperature 38°C/100°F or greater) that is associated with certain signs or symptoms: e.g. appearing obviously unwell; persistent coughing; impaired breathing; persistent diarrhoea; persistent vomiting; skin rash; bruising or bleeding without previous injury; or, confusion of recent onset.

NOTE 2.— In the event of a case of suspected communicable disease on board an aircraft, the pilot-in-command may need to follow his operator's protocols and procedures, in addition to health-related legal requirements of

the countries of departure and/or destination. The latter would normally be found in the Aeronautical Information Publications (AIP's).

NOTE 3.— Annex 6 — Operation of Aircraft describes the “on board” medical supplies that are required to be carried on aircraft. The Procedures for Air Navigation Services — Air Traffic Management (Doc 4444) (PANS-ATM) detail the procedures to be followed by the pilot-in-command in communication with air traffic control.

18.8.22.5. When a public health threat has been identified, and when the public health authorities require information concerning passengers' and/or crews' travel itineraries or contact information for the purposes of tracing persons who may have been exposed to a communicable disease, that Contracting State should accept the “Public Health Passenger Locator Card” see I.S. 18.8.4 as the sole document for this purpose.

NOTE.— The Federal Ministry of Health through the Port Health Authorities shall make available adequate stocks of the Passenger Locator Card, for use at international airports and for distribution to aircraft operators, for completion by passengers and crew.

18.8.23. Communicable Disease Outbreak National Aviation Plan.

Communicable Disease Outbreak National Aviation Plan.

18.8.23.1. The Authority shall establish a national aviation plan in preparation for an outbreak of a communicable disease posing a public health risk or public health emergency of international concern.

18.9. ALLIED AVIATION SERVICES

Registration of Allied Aviation Business.

18.9.1. This section shall apply to the registration of allied aviation businesses. No person shall undertake the following businesses without a certificate of registration or licence issued by the Authority in line with the requirements specified in IS18.9.1.2 :

- (i) Ground Handling ;
- (ii) Agent of Foreign Airlines ;
- (iii) Travel Agency ;
- (iv) Cargo Agency and Air Freight Forwarding ;
- (v) In-flight Catering Services ;
- (vi) Aviation Fuel Supply ;
- (vii) Air Transport Training Institutions ;
- (viii) Aircraft Sale or Leasing ; and
- (ix) Other Aviation Related Services.

<p>18.9.2. The Authority shall keep a register of all allied aviation businesses issued with certificate of registration or licence.</p>	<p>Register of Certificate of Registration or Licence.</p>
<p>18.9.3. Airport operators shall not discriminate against or decline access to any airline, allied aviation service provider in the provision of services or facilities at their airports.</p>	<p>Discrimination against or Decline of Access to Airlines.</p>
<p>18.9.4. Travel Agency Business in Nigeria.</p>	
<p>18.9.4.1. All travel Agencies shall register with the Authority after fulfilling the necessary requirements specified in IS18.9.1.2 (iii) to these regulations.</p>	<p>Travel Agency Business in Nigeria.</p>
<p>18.9.4.2. All registered travel agencies shall join and trade on the IATA BSP platform.</p>	
<p>18.9.5. Any person that intends to carry out business as General Sales Agent (GSA) in Nigeria shall :</p>	<p>General Sales Agent.</p>
<p>(i) be a citizen of Nigeria or a body corporate, registered in Nigeria and having its principal place of business within Nigeria, with majority shareholding held by Nigerians ; and</p>	
<p>(ii) have adequate resources for the discharge of actual and potential obligations of travel agency.</p>	
<p>18.9.6. All Air Transport Training Institutions offering air transport commercial courses shall register with the Authority as specified in IS:18.9.1.2 (vii).</p>	<p>Registration of Air Transport Training Institution.</p>
<p>18.9.7. Unrestricted Access For Monitoring Purpose.</p>	
<p>18.9.8.1. An applicant for certificate of registration or licence for allied aviation service shall grant to any person authorized by the Authority free and unrestricted access at any time without prior notice to inspect the office premises or warehouse and any documents required for issuance of certificate of registration or licence.</p>	<p>Unrestricted Access For Monitoring Purpose.</p>
<p>18.10. AIRLINE FINANCIAL HEALTH</p>	
<p>18.10.1. This section shall apply to the continuous monitoring of the operations of Nigerian licensed airlines for the purpose of ensuring their financial capability to continue to conduct and sustain flight operations.</p>	<p>Airline Financial Health.</p>
<p>18.10.2. All Nigerian licensed airlines shall ensure proper, transparent and prudent financial management in the conduct of their operations.</p>	
<p>18.10.3. All Nigerian licensed airlines shall submit to the Authority on a monthly basis, all financial data and records on their operations in the form and manner as may be prescribed by the Authority.</p>	

18.10.4. The Authority shall evaluate the financial returns and make available a copy of the report of the financial health assessment to the Management of the airline which may make a representation to the Authority.

18.10.5. The Authority upon receipt of the airline’s representation shall review same and communicate its decision to the airline.

18.11. AVIATION INSURANCE

Aviation Insurance.

18.11.1. This section prescribes the type of insurance cover to be maintained by all aviation service providers in Nigeria.

18.11.2. No person shall operate any aircraft in public air transport category without adequate and valid insurance.

18.11.3. Aerodrome, air navigation, meteorology services, ground handling and other allied aviation service providers shall not operate without maintaining adequate and valid insurance.

18.11.4. Any person having a duty to maintain adequate insurance shall submit to the Authority copies of valid insurance certificates, evidence of payment of premium and policy documents.

18.11.5. All airlines, aerodrome operators, air navigation, meteorology services, ground handling services and other allied service providers shall ensure payment of premium as and when due and submit evidence of payment to the Authority.

18.11.6. All airlines shall include in their tickets a statement to the effect that liability arising from death and bodily injury to passengers in the course of carriage by air within or from Nigeria shall be governed by the provisions of the Act and these regulations.

18.11.7. The minimum third party liability insurance limit for aircraft engaged in aircraft operations in Nigeria shall be in relation to the Maximum Take-Off Weight (MTOW) of an aircraft as indicated in the table below :

FIXED WING AIRCRAFT

<i>Category</i>	<i>A/C MTOW (kg)</i>	<i>Minimum Third Party Liability Limit (US\$)</i>
1.	Up to 499	375,000
2.	500-999	750,000
3.	1,000-2699	1,500,000
4.	2700-5999	3,500,000
5.	6,000-11,999	9,000,000
6.	12,000-24999	40,000,000
7.	25,000-49,999	75,000,000
8.	50,000-199,999	150,000,000
9.	200,000-499,999	250,000,000
10.	500,000 plus	350,000,000

ROTARY WINGS AIRCRAFT

<i>Category</i>	<i>A/C MTOW (kg)</i>	<i>Minimum Third Party Liability Limit (US\$)</i>
1.	Up to 499	750,000
2.	500-999	1,500,000
3.	1,000-2699	3,000,000
4.	2700-5999	7,000,000
5.	6,000-11,999	18,000,000
6.	12,000-24999	80,000,000
7.	25,000-49,999	150,000,000

18.11.8. The minimum insurance cover for aircraft engaged in the carriage of passengers, mail and cargo in Nigeria shall be in relation to the aircraft available capacity.

18.11.9. The limits of liability for death or bodily injury of passenger, loss or delay of baggage and cargo for domestic and international operations shall be as prescribed by the Act.

18.11.10. The minimum insurable cover for aerodromes, air navigation, meteorology services, ground handling and other allied aviation services shall from time to time be fixed by the Authority. The insurable sum shall cover the following areas :

- (i) Airside and landside ;
- (ii) Bodily injury ;
- (iii) Property damage ;
- (iv) Hijacks and Hostage-taking ; and
- (v) War Risks.

18.11.11. Operators of the following aviation services shall maintain minimum insurance cover for their operations as prescribed by the Authority from time to time :

- (i) Ground Handling
- (ii) Aerodrome (International)
- (iii) Aerodrome (Domestic)
- (iv) Air Navigation Services
- (v) Aeronautical Meteorology
- (vi) Aviation Fuel Supplier
- (vii) Airstrip
- (viii) Heliport

B 2538

Family
Assistance
Programme.

18.11.12. The Authority shall facilitate the establishment of a Family Assistance Programme (FAP) which shall provide succour to aircraft accident victims and their families in accordance with the ICAO Doc 9998 (*ICAO Policy on Assistance to Aircraft Accident Victims and their Families*).

18.12. CIVIL AVIATION FEES

Civil
Aviation
Fees.

18.12.1. This section shall apply to the collection and remittance of all sales charges and sundry charges as may be specified by the Authority.

18.12.2. There shall continue to be a 5% air ticket, contract, charter, and cargo sales charge paid to the Authority.

18.12.3. The Authority may review the 5% air ticket, contract, charter, and cargo sales charge from time to time in consultation with the stakeholders.

18.12.4. The 5% air ticket sales charge shall be based on the total cost of travel paid by the passenger to the airline. This shall be the cost of ticket inclusive of fuel surcharge or any other charge added to the total cost of travel by the airline exclusive of government Value Added Tax or any other tax that may be imposed by government from time to time.

18.12.5. All domestic and international airlines operating in Nigeria shall forward to the Authority through an electronic platform provided by the Authority, all relevant documents such as flown coupons, passenger or cargo manifests, air waybills, load sheets, clients' service invoices and other documents necessary for accurate billing within forty-eight (48) hours after each flight.

18.12.6. All Nigerian licensed airlines shall join the IATA/BSP for the purpose of remittance of 5 percent Sales Charges, and shall execute a contract with the Authority to that effect.

18.12.7. All foreign cargo operators shall submit cargo manifests and continue to pay royalty in a manner prescribed by the Authority before the flight is approved to land or take off in Nigeria.

18.12.8. All Nigerian charter operators shall submit clients' service invoices (CSIs) on hourly or fixed sum contract at commencement of operation for invoicing and payment of Charter Sales Charge (CSC) to the Authority .

18.12.9. All sales charges and royalties shall be paid in the currency in which they are being charged.

18.12.10. Any dispute arising from bills raised by the Authority shall be resolved through a Reconciliation Committee, comprising the Authority and the disputing airline.

18.13. AIR TRANSPORT STATISTICS

Air
Transport
Statistics.

18.13.1. This section shall apply to the collation, submission and analysis of statistical data on domestic and international airline operations.

18.13.2. All airlines, air navigation service providers, aerodrome operators and other service providers shall submit to the Authority statistical data of their operations in the form and manner as prescribed by the Authority in IS 18.13.2.

18.13.3. The Authority shall keep a record of all data submitted and shall analyze same for annual statistical publication and file with ICAO in accordance with Article 67 of the Chicago Convention.

18.14. FARES AND TARIFF

18.14.1. Except as provided in an international agreement, convention or arrangement regarding civil aviation, before commencing the operation of a service, an air carrier or its agent shall :

Filing of
Fares and
Tariffs.

(i) file with the Authority a tariff annually and/or any fare adjustment for that service showing all rates, fares and add-on charges, including the terms and conditions of free and reduced rate transportation for that service, as specified in IS.18.14.1.1. ;

(ii) denominate all rates, fares and charges shown in any tariff in the first instance, in local currency, notwithstanding whether such fares and charges are denominated in foreign currencies in the case of foreign carriers ; and

(iii) obtain approval from the Authority to introduce and or increase add-on charges or surcharges such as fuel, internet booking, insurance, security and similar surcharges, prior to implementation.

18.14.2. All tariffs required to be filed in pursuance of 18.14.1.1 shall be done at least seven (7) days before the rates come into effect, except in the case of matching an existent rate for which no more than prior notification is required.

18.14.3. All fares may be available for sale and carriage as long as they are not disallowed or suspended in accordance with section 18.14.2 of these regulations.

18.14.4. If an air carrier that offers a service fails to apply the fares, rates, charges or terms and conditions of carriage set out in the tariff that applies to that service, the Authority may direct it to :

(i) take the corrective measures it considers appropriate ; and

(ii) pay compensation for any expense incurred by a person adversely affected by its failure to apply the fares, rates, charges or terms and conditions set out in the tariff.

18.14.5. Tariffs in any medium may be filed with the Authority provided that, where a medium other than paper is to be used, the Authority and the filer have signed an agreement for the processing, storage, maintenance, security and custody of the data base.

18.14.6. The following shall apply to changes in tariff :

(i) Except where a toll is disallowed, no rate may be changed unless the tariff or amendment in which it is set out is filed within the appropriate time limit set out in section 18.14.2.2.

(ii) Every tariff or toll may bear an expiry date.

(iii) Any amendment to the expiry date of a tariff after the date of its publication shall be made in accordance with section 18.14.1.2.

Disallowance
or
Suspension
of Fares.

18.14.6.1. Subject to the provisions of these regulations, the Director-General may decide, at any time :

(i) to disallow or suspend a basic fare which, taking into account the whole fare structure for the route in question and other relevant factors including the competitive market situation, is excessively high to the disadvantage of consumers in relation to the long term fully-allocated relevant costs of the air carrier, including a satisfactory return on capital ;

(ii) to stop, in a non-discriminatory way, further fare decreases in a market, whether on a route or a group of routes, when market forces have led to sustained downward development of air fares deviating significantly from ordinary seasonal pricing movements and resulting in widespread losses among all air carriers concerned for the air services concerned, taking into account the long term fully allocated relevant costs of the air carriers.

18.14.6.2. In the case of a foreign air carrier whose State has entered a bilateral or multilateral air services agreement with Nigeria that contain parallel notification or double disapproval obligations, the following shall apply :

(i) a decision taken pursuant to 18.14.2.1 shall be notified with reasons to the relevant authorities of the foreign state involved as well as to the affected air carriers.

(ii) if within fourteen days of the date of receiving notification, no relevant authority of any concerned foreign state has notified disagreement stating its reasons, the Director-General may advise the Minister to direct the air carrier concerned to withdraw the basic fare or to abstain from further fare increases or decreases, as appropriate.

(iii) in the case of disagreement, the Director-General may advise the Minister to consult the relevant authority of the foreign state involved to review the situation.

18.14.6.3. In all cases other than 18.14.2.2, the following shall apply :

(i) a decision taken pursuant to 18.14.2.1, shall be notified with reasons to the affected air carrier.

(ii) the affected air carrier under 18.14.2.3.

(iii) may within fourteen (14) days of receipt of the decision, make written representations identifying clearly a rational justification for its rate to the Authority with a request for a review of the decision.

(v) the Authority shall within fourteen (14) days of its receipt of the written representations convey its final decision to the affected air carrier.

18.14.6.4. Where any provision of a tariff is suspended or disallowed by the Authority or the Minister, the issuing air carrier or its agent shall immediately file with the Authority an appropriate tariff, to become effective not less than two (2) working days after the date of filing that restores the provision replaced by the suspended or disallowed provision.

18.14.6.5. Where any provision of a tariff is suspended or disallowed by directive of the competent authorities of a foreign state, or the suspension or disallowance has been rescinded or the cancellation of the suspended or disallowed provision has been directed by those authorities, the issuing air carrier or agent may comply with their decision in accordance with such regulations of the competent authorities as may be pertinent.

18.14.7. In requesting for approval of any add-on charge or surcharge, an air carrier is required to provide a justifiable basis for the charge or surcharge with a consideration of all relevant factors including a near linear rationalization for the specific aggregated costs sought to be recovered and consumer interests.

Approval of Charges.

18.14.7.1. When approving any application for an add-on charge or surcharge related to fuel, the Authority shall :

(i) take into account changes in the prices of aviation fuel, the relevant hedging policies of the air carrier, the justifications provided by the air carrier and other relevant factors ;

(ii) ensure that the revenue so generated would not exceed the additional fuel costs borne by the airline operators during the corresponding period ; and

(iii) approve on a short term basis, not exceeding a period of two (2) months in each instance.

18.14.8. Every air carrier shall :

(i) display in a prominent place at the business offices of the air carrier a sign indicating that the tariffs for the domestic service offered by the air carrier, including the terms and conditions of carriage, are available for public inspection at the business offices of the air carrier, and allow the public to make such inspections ;

Publication and Display of Tariffs.

(ii) publish the tariffs and the terms and conditions of carriage on any Internet site used by the air carrier for selling the service offered by the air carrier ;

(iii) in its tariffs, specifically identify (avoiding the use of codes) the basic fare, and all specific charges and surcharges between all points for which the air service is offered by the air carrier ; and

(iv) retain a record of its tariffs for a period of not less than six years after the tariffs have ceased to have effect.

18.14.8.1. A tariff referred to in 18.14.4.1 shall include such other information as the Authority may by order prescribe from time to time.

18.14.8.2. An air carrier shall not apply any fare, rate, charge or term or condition of carriage applicable to the service it offers unless the fare, rate, charge, term or condition is set out in a tariff that has been published or displayed under 18.14.4.1 and is in effect.

18.14.8.3. An air carrier shall provide a copy or excerpt of its tariffs to any person on request and on payment of a fee not exceeding the cost of making the copy or excerpt.

18.14.8.4. If, on complaint in writing to the Authority by any person, the Authority finds that, contrary to 18.14.4.1, an air carrier has applied a fare, rate, charge, surcharge or term or condition of carriage applicable to the service it offers that is not set out in its tariffs, the Authority may order the air carrier to :

(i) apply a fare, rate, charge, surcharge or term or condition of carriage that is set out in its tariffs ;

(ii) compensate any person adversely affected for any expenses they incurred as a result of the air carrier's failure to apply a fare, rate, charge, surcharge or term or condition of carriage that was set out in its tariffs ; and

(iii) take any other appropriate corrective measures.

Filing
through an
Agent.

18.14.9. Before an air carrier publishes tariffs through an agent, the carrier shall file with the Authority a letter authorizing the agent to act on its behalf.

18.14.9.1. Where an air carrier publishes tariffs through another air carrier or a company that is not an air carrier, the issuing carrier shall first file with the Authority a letter authorizing the other carrier or company to act on its behalf.

Unfair
Methods of
Competition
and Anti-
competitive
Practices.

18.15. This Section shall apply to unfair methods of competition and Anti-Competitive practices.

18.15.1. Control of Anti-Competitive Practices.

It shall be unlawful to enter into any contract, arrangement, understanding or conspiracy between two or more parties in the civil aviation industry where such contract, arrangement, understanding, or conspiracy constitutes a restraint of competition.

18.15.2. For the purposes of this section, restraint of competition in relation to a contract, arrangement, understanding, conspiracy or combination

means restraint in any market in which a party supplies or acquires or is likely to supply or acquire products or services and shall include acts which—

- (i) directly or indirectly fix a charge, fee, rate, fare and tariff or any other trading condition ;
- (ii) divide markets by allocating customers, passengers, suppliers, slots, territories or specific types of products or services ;
- (iii) involve collusive action ;
- (iv) limit or control development or investment in capacity, slots, and any other market or operational factor ;
- (v) apply dissimilar conditions to equivalent transaction with other service providers thereby placing the other party at a competitive disadvantage ; and
- (vi) make the conclusion of an arrangement, understanding or contract subject to acceptance by the other parties of supplementary obligation and which, by their nature or according to commercial usage, have no connection with the subject of the contract.

18.15.3. Any contract, arrangement, or understanding which is prohibited under section 18.15.1. of these regulations are prohibited and void.

18.15.4. The provisions of section 18.15.3. shall not apply to any agreement or category of agreements the entry into which is authorized by the Authority after being satisfied that it :

- (i) contributes to the improvement of availability or distribution of products and services or the promotion of technical or economic progress, while allowing consumers a fair share of the resulting benefit ;
- (ii) imposes on the airline, service providers or operators concerned only such restrictions as are indispensable to the attainment of objectives referred to in paragraph (i) ; or
- (iii) does not afford such airline, service providers or operators the possibility of eliminating competition in respect of a substantial part of the products and services concerned.

18.15.5. An agreement to engage in a restrictive practice is presumed to exist between two or more parties where :

- (i) any one of the parties owns a majority interest in the other, or they have at least one director or substantial shareholder in common ; and
- (ii) any combination of the parties are engaged in that restrictive practice.

Restrictive
and
Concerted
Practices.

18.15.6. Notwithstanding 18.15.5, the practices identified in 18.5.7-18.5.8 shall be deemed to be restrictive practices which constitute unfair methods of competition, and anti-competitive in nature and are hereby prohibited.

18.15.7. Airlines shall not engage in the following restrictive practices :

(i) undue and discriminatory policies for commissions, offering sales commissions to the trading counterpart(s) [passengers or customers], or taking any other improper marketing actions, to sell its passenger tickets or tonnage ;

(ii) preventing or restraining sales agents from selling passenger tickets or tonnage of other airlines or service providers; for the purpose of selling its own passenger tickets or tonnage ;

(iii) restraining passengers or customers from selecting carriers freely with a view to excluding other airlines or service providers ;

(iv) imposing restrictions on the regular operations of other airlines, service providers, operator or sales agents by taking advantage of computer applied system or communication network that is under its control.

18.15.8. Airport or air navigation service providers shall not engage in the following restrictive practices :

(i) placing undue conditions in respect of sales, checking, aircraft loading or other matters, and imposing improper restrictions on takeoff or landing of aircraft of an airline, or refusing to contract with an airline to provide support services that are in its range of business ;

(ii) taking exclusive or discriminatory actions against an airline who has no agreement for ground handling with it ;

(iii) setting chargeable items and standards; without authorization from the Authority ;

(iv) taking advantage of its superior position, by violating the principle of equality, mutual benefit and reaching unanimity through consultation, imposing unfair provisions in the agreement for ground services or other service agency agreement concluded with its counterpart ;

(v) intentionally raising or reducing the bid price in collusion with the bidder in a public bidding for airport services or operation of commercial facilities.

18.15.9. Agents and tour operators shall not engage in the following restrictive practices :

(i) acting beyond the limits of agency authorized by the airline and infringing upon the lawful rights and interests of the airline or other sales agents or tour operators ;

(ii) soliciting passengers and cargo customers by bribery, offering sale commission to the counterpart outside the tickets or the accounts, or other improper marketing means ; and

(iii) controlling seats by making false reservations, thus infringing upon the lawful rights and interests of the airline or other sale agents or tour operators while selling passenger tickets.

18.15.10. All decisions and concerted practices by airlines, service providers, or operators or associations that prevent, restrict or distort competition are prohibited under these Regulations.

18.15.11. Nothing in this section shall prohibit—

(i) a contract or an arrangement where the only parties are or will be wholly owned subsidiary and holding companies ;

(ii) a contract of service or a contract for the provision of services in so far as it contains provisions by which a person, not being a body corporate agrees to accept restrictions as to the work, whether as an employee or otherwise, in which that person may engage during or after the termination of the contract ;

(iii) contract for the sale of a business or shares in the capital of a company carrying on business in so far as it contains a provision that is solely for the protection of the purchases in respect of the goodwill of the company;

(iv) contract or an arrangement in as much as it contains a provision that relates to the remuneration, conditions of employment, hours of work or working conditions of employees ;

(v) any act done otherwise than in trade, in concert by passengers, consumers of products and services against the suppliers of those products and services ;

(vi) any act done to give effect to a provision of a contract or an arrangement referred to in paragraphs (i) to (v) of this section ;

(vii) any act done to give effect to any intellectual property right, which shall mean a right, privilege, or entitlement that is conferred as valid by or under any enactment in force.

18.15.12. For the purposes of these Regulations, one or more airline, service providers or operators hold a dominant position in the relevant market if, singularly (by itself) (including activities involving an interconnected or affiliated company) or collectively :

(i) it or they has or have a share of more than twenty five *percent* (25%) of the relevant market ; or

Exemptions
of Certain
Agreements.

Abuse of
dominant
position or
market
power.

(ii) it or they has or have the ability to control prices or to exclude competition ; or

(iii) it or they behave to an appreciable extent independently of its or their competitors, customers, or passengers.

18.15.13. An airline, service provider or operator abuses a dominant position if it impedes the maintenance or development of effective competition in a market and in particular is engaged in any of the following :

(i) restriction of the entry of any other operator into that or any other market ;

(ii) preventing or deterring any operator from engaging in competitive conduct in the relevant route or market ;

(iii) eliminating or removing any operator from the relevant route or market ;

(iv) directly or indirectly imposing unfair, discriminatory or predatory tariffs or fares, purchase or selling prices or other anti-competitive practices through any discount, allowance or rebate practice in relation to the supply of services ;

(v) limiting the provision of services to the prejudice of consumers ;

(vi) operating capacity on a route or routes at fares that do not cover the avoidable cost of providing the service ;

(vii) increasing capacity on a route or routes at fares that do not cover the avoidable cost of providing the service ;

(viii) pre-empting airport facilities or services that are required by another air carrier for the operation of its business, with the object of withholding the airport facilities or services from a market ;

(ix) to the extent not governed by regulations regarding take-off and landing slots, pre-empting take-off or landing slots that are required by another air carrier for the operation of its business, with the object of withholding the take-off or landing slots from a market ;

(x) using commissions, incentives or other inducements to sell or purchase its flights for the purpose of disciplining or eliminating a competitor or impeding or preventing a competitor's entry into, or expansion in, a market ;

(xi) altering its schedules, networks, or infrastructure for the purpose of disciplining or eliminating a competitor or impeding or preventing a competitor's entry into, or expansion in a market ;

(xii) making the conclusion of agreements subject to acceptance by other parties of supplementary obligations which by their nature, or according to commercial usage, have no connection with the subject of such agreements ;

(*xiii*) engaging in any business conduct that results in the exploitation of its customers and suppliers, including, but not limited to such conduct as exclusive dealing, market restriction or tied selling.

18.15.14. An airline, service provider or operator shall not be treated as abusing a dominant position :

(*i*) if it is shown that its behaviour was exclusively directed to improving the production or distribution of products or to promoting technical or economic progress and consumers were allowed a fair share of the resulting benefit ;

(*ii*) if the effect or likely effect of its behaviour in the market is the result of its superior competitive performance ;

(*iii*) if it seeks to enforce any right under or existing by virtue of any copy right, patent, registered design or trade mark.

18.15.15. An airline, service provider or operator may be treated as abusing its dominant position in enforcing or seeking to enforce the rights referred to in 18.5.14(*ii*), if the Authority is satisfied that the exercise of those rights has the effect of unreasonably lessening competition in the relevant market.

18.15.16. Any conduct on the part of one or more operators which amounts to the abuse of a dominant position in a market is prohibited.

18.15.16.1. NOTIFICATION

18.15.16.2. Mergers, Acquisition, Combinations and Joint Ventures.

Mergers, takeovers, joint ventures or other acquisitions of control in the aviation industry, including interlocking directorships, whether of a horizontal, vertical, or conglomerate nature, should be notified to the Authority when :

(*i*) At least one of the company is established within Nigeria ;

(*ii*) The resultant market share in the aviation industry, or any substantial part of it, relating to any product or service, is likely to create market power ;

(*iii*) At least one of the company derives income in or from Nigeria, arising from the sale and rendering of services in the civil aviation industry or there exists use of the firm's assets in a manner that yields interest, royalties and dividends.

18.15.16.3. No company in the cases under 18.15.16.1 and 18.15.16.2, shall effect a merger until the expiration of a 60 day waiting period from the date of the issuance of the receipt of the notification, unless the Authority shortens the said period or extends it by an additional period of time not exceeding thirty (30) days with the consent of the company concerned with.

18.15.16.4. Notification can be made to the Authority by all the parties concerned, or by one or more of the parties acting on behalf of the others, or by any persons properly authorized to act on their behalf.

18.15.16.5. A single agreement can be notified where a company or person is party to a restrictive agreement on the same terms with a number of different parties, provided that particulars are also given of all parties, or intended parties, to such agreements.

18.15.16.6. Notification shall be made to the Authority where any agreement, arrangement or situation notified under the provisions of the Act or these Regulations has been subject to change either in respect of its terms or in respect of the parties, or has been terminated (otherwise than by effluxion of time), or has been abandoned, or if there has been a substantial change in the situation within 30 days of the event.

18.15.17. PROHIBITION

18.15.17.1. Mergers, take-overs, joint ventures or other acquisitions of control in the aviation industry, including interlocking directorships, whether of a horizontal, vertical or conglomerate nature, are prohibited where the proposed transaction substantially increases the ability to exercise market power either by giving the ability to a company or group of companies acting jointly to profitably maintain prices above competitive levels for a significant period of time or by any other anti-competitive means.

18.15.18. INVESTIGATION

18.15.18.1. Upon the receipt of a notification, the Authority shall :

- (i) conduct an investigation ;
- (ii) request for relevant documents ;
- (iii) hold a hearing and obtain testimonies from the parties, if necessary.

18.15.18.2. If a hearing before the Authority results in a finding against the transaction, such acquisitions or mergers may be prevented or undone whenever they are likely to lessen competition substantially in the aviation industry or in a significant part of the relevant market within the industry.

18.15.18.3. Where a transaction or practice is not expressly prohibited, and the possibility exists for its authorization, the company shall notify the transaction or practice to the Authority, providing full details as requested.

18.15.18.4. Penalties for Civil Violations, Offences and Penalties in Respect of Agreements etc. in Restraint of Trade. If the Authority determines that any person has violated the provisions of this Part, the Authority may :

- (i) impose such civil penalties or fines in the manner prescribed by the sanctions regime contained in sanctions regime.

(ii) prescribe the payment of compensation to any person adversely affected by the violation ;

(iii) direct the violator to take any other appropriate corrective measures.

18.15.18.5. Any person who makes or enters into any contract or engages in any arrangement, conspiracy or practice declared unlawful under 18.15.2. or 18.15.3 of these Regulations shall be guilty of an offence and shall be fined in accordance with Part 19 Provisions or a fine of at least two times the amount of profit the person would have made.

18.15.19. Leniency, Concessions, Immunity Programmes and Rules.

Grant of Leniency, Concessions and Immunity

18.15.19.1. The Authority may grant conditional leniency, concessions and immunity for cooperation to persons who offer significant assistance in detecting and proving unfair methods of competition and anti-competitive conduct.

18.15.19.2. Upon the application of a person, the Authority may proceed under any of the following programmes :

(i) *Leniency* : Conditional leniency will be granted where an applicant is the first participant in an anti-competitive activity to apply to the Authority and to meet the prescribed conditions. Immunity is 'conditional' in that the holder must continue to meet the prescribed conditions to maintain their immunity status.

(ii) *Co-operation* : The Authority may exercise its discretion by taking a lower level of enforcement action, or, for individuals, no action at all, in exchange for information and full, continuing and complete cooperation throughout an investigation and any subsequent proceedings.

(iii) *Immunity* : The Authority may grant immunity in appropriate cases as provided under 18.15.19.5.

18.15.19.3. Where a person enables the Authority to detect and or prove the existence of anti-competitive conduct, he may be granted conditional leniency.

18.15.19.4. The Authority may apply reduced penalties to provide incentives for full co-operation that facilitates the Authority's quick and effective investigation with fewer resources.

18.15.19.5. In all applications for leniency and concessions, the applicant must be the first to come forward either before the Authority becomes aware of the violation or before there is sufficient evidence to warrant an investigation or other regulatory action by the Authority.

18.15.19.6. Subject to the requirements set out in 18.15.20., if a violation constitutes criminal offence, the Authority may recommend that immunity be granted to a party in the following situations:

(i) the Authority is unaware of the offence, and the party is the first to disclose it ; or

(ii) the Authority is aware of an offence, and the party is the first to come forward before there is sufficient evidence to warrant a referral of the matter to the appropriate authorities.

18.15.20. REQUIREMENTS FOR QUALIFICATION.

18.15.20.1. The following are the relevant requirements to qualify for immunity :

(i) The party must terminate its participation in the unlawful activity.

(ii) The party must not have coerced others to be party to the unlawful activity.

(iii) Where the party requesting immunity is the only party involved in the offence it will not be eligible for immunity.

18.15.20.2. Throughout the course of the Authority's investigation and subsequent referral for prosecutions, a party involved in a leniency, concession, immunity process must provide complete, timely and ongoing co-operation :

(i) unless made public by the relevant prosecuting authority, or as required by law, the party shall not disclose its application for leniency, concession, immunity, or any related information, to a third party without the consent of the Authority. Where disclosure is required by law, the party must give notice to and consult with the Authority on how to protect the interests of the investigation in light of the disclosure requirement. The party shall give this notice as soon as it becomes aware of the disclosure requirement ;

(ii) the party must reveal to the Authority any and all conduct of which it is aware, or becomes aware, that may constitute a violation of the law and in which it may have been involved ;

(iii) the party must provide full, complete, frank and truthful disclosure of all non-privileged information, evidence and records in its possession, under its control or available to it, wherever located, that in any manner relate to the anti-competitive conduct for which leniency, concession or immunity is sought. There must be no misrepresentation of any material facts ;

(iv) companies must take all lawful measures to secure the co-operation of current directors, officers and employees for the duration of the investigation and any ensuing proceedings. Companies must also take all lawful measures to secure the cooperation of former directors, officers and employees as well as current and former agents, where doing so will not jeopardize the investigation. Companies shall encourage such persons to voluntarily provide to the Authority all of their non-privileged information, evidence and records, in their possession or under their control, wherever located, that in any manner relate to the anti-competitive conduct ; and

(v) companies must facilitate the ability of current and former directors, officers, employees and agents to appear for interviews and to provide testimony in administrative and judicial proceedings in connection with the anti-competitive conduct.

18.15.20.3. Parties must co-operate with the Authority's investigation and any subsequent proceedings at their own expense.

18.15.20.4. If the first party to apply under any of the programmes fails to meet the requirements above, a subsequent party that does meet the requirements qualify to participate.

18.15.20. The Process for Leniency, Concession or Immunity.

18.15.20.1. A person may initiate a request for leniency, concession or immunity by communicating with the Director-General to discuss the possibility of participating in a programme.

18.15.20.2. The request to the Authority to participate in the programme may be made by an applicant's legal representative.

18.15.20.3. If the authority decides that the applicant participates in the programme, the applicant will be required to provide a detailed description of the unlawful activity and to disclose sufficient information for the Authority to determine whether it might qualify for the programme.

18.15.20.4. The Authority will require existence of material with sufficient detail and certainty and also seek assurances as to the nature of any records the applicant can provide, the evidence or testimony a potential witness can give and how probative the evidence is likely to be. The Authority may request an interview with one or more witnesses, or an opportunity to view certain documents, prior to determining whether the applicant qualifies for the programme.

18.15.20.5. If the Authority determines that the applicant has qualified to participate in the programme the authority *may* execute the relevant program agreement with the applicant.

18.15.20.6. After the party enters into an agreement with the Authority, full disclosure and cooperation with the investigation and any ensuing proceedings is essential.

18.15.20.7. Parties are required to voluntarily provide the Authority with all non-privileged information, evidence and records that in any manner relate to the anti-competitive conduct. Witnesses will be expected to attend interviews and may be called upon to testify in administrative or court proceedings. The full disclosure process will be conducted with the understanding that the Authority will not use the information against the party, unless the party fails to comply with its agreement.

B 2552

18.15.20.8. The Authority may revoke a party's benefits under a programme, and take appropriate action against the party, if that party fails to comply with any of the terms and conditions under its agreement.

18.15.20.9. Where the Authority determines that a party has failed to fulfill the terms and conditions set out in its agreement, the Authority will provide fourteen (14) days written notice to the party before revoking the agreement.

NIGERIA CIVIL AVIATION REGULATIONS

PART 18—IMPEMENTING STANDARDS

IS:18.2.2.2(A)—(1) *General.*

(i) Application for grant of an Air Transport Licence (ATL) shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorised by the applicant.

Requirements
for Grant of
Air
Transport
Licence
(ATL).

(2) *Requirements.*

(i) The application must be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the expiration of the existing ATL.

The application for the grant of ATL must contain the following particulars :

- (a) Name and address of applicant ;
- (b) Type(s) of air services to be provided ;
- (c) Proposed operational base of applicant ;
- (d) Details of proposed routes to be operated where applicable ;
- (e) Number and types of proposed aircraft to be utilized ; and
- (f) Time and frequency of the services.

(ii) The following supporting documents are required for processing the Application :

(a) Certified true copy of the Certificate of Incorporation of the Company.

(b) Certified true copy of :

- (1) the Memorandum and Articles of Association ;
- (2) Particulars of the Directors of the Company (Form CAC7) ;
- (3) Statement of Share Capital/Return of Allotment (Form CAC2) with minimum PAID-UP share capital of :

₦500,000,000.00 (five hundred million Naira) for domestic operations ;

₦1,000,000,000.00 (one billion Naira) for regional operations ; and

₦2,000,000,000.00 (two billion Naira) for intercontinental operations, at least one member of the board of directors must be an aviation professional in line with the provisions of the Act. In addition, the majority shareholding shall be held by Nigerian(s) ;

(c) Current tax clearance certificates of the company and of each of the directors ;

(d) Detailed business plan of the company indicating among other things, the company's vision, mission, market analysis and strategy, company's ownership structure, personnel plan, fleet acquisition plan, financial plan including source(s) of finance, balance sheet, break-even analysis, pro-forma income projections (profit and loss statements), cash flow analysis, proposed fares for passengers or cargo, etc and other standard business plan requirements showing the road map of the applicant's strategy to provide efficient services in respect of safety, regularity, reliability and profitability of operations ;

(e) Publication of Notice of the application in two (2) national daily newspapers. The publication should contain information on the application submitted to the Authority for the grant of ATL ;

(f) Evidence of the applicant's financial solvency to undertake the business. Applicants are expected to prove that they are financially solvent to run operations for a period of three (3) months from the start of operations without resorting to any income from their operations ;

(g) Duly completed application forms (to be obtained from the Authority) ; and

(h) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule.

(3) *Publication in the official gazette.*

The Authority will cause the notice of application to be published in the Official Government Gazette.

(4) *Home or operational base of the airline.*

The applicant will be required to liaise with the Airport Service Providers and or Federal Airports Authority of Nigeria (FAAN) regarding approval of its home or operational base.

(5) *Annual utilization fee.*

Upon receipt of ATL, an annual utilization fee shall be paid to the Authority as stipulated in the NCAA Fees Schedule

(6) *Additional information.*

On receipt of an application, the Director-General may request for additional information from the applicant as deemed necessary.

Requirements
for Renewal
of Air
Transport
Licence
(ATL).

IS:18.2.2.2(B)—(1) *General.*

An applicant for the renewal of its ATL shall meet the requirements of IS 18.2.2.2(A) with exception of items (2)(ii)(a), (b), (d), (e), (f) & (3)

(2) *Requirements.*

The following supporting documents are required for processing the application :

(a) NCAA Receipt of payment for processing and utilization fees to the Authority as stipulated in the NCAA Fees Schedule.

(b) Evidence of utilization of ATL indicating the following details :

(i) Number and type(s) of aircraft in use ;

(ii) Insurance of aircraft in use, including passenger, cargo and third party ;

(iii) Routes operated ; and

(iv) Total number of passengers, cargo and mail carried during the period of operation of the expiring licence.

(c) Evidence of submission of monthly statistical returns of operations to the Authority.

(d) Evidence of filing of fares and tariffs with the Authority.

(e) Evidence of regular and up-to-date payment of aviation charges.

(3) *Validity of Renewed ATL and Utilization Fee.*

(i) The validity of a renewed ATL shall be five (5) years.

(ii) An annual utilization fee shall be paid to the Authority as stipulated in the NCAA Fees Schedule.

IS:18.2.3.(A)—(1) General.

(i) Application in respect of an Airline Operating Permit (AOP) shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the expected date of utilization of the AOP.

(2) *Requirements.*

(i) The application for the grant of AOP must contain the following particulars :

(a) Name and address of applicant ;

(b) Type of services to be provided ;

(c) Number and types of aircraft to be utilized ; and

(d) Proposed operational base of applicant.

(ii) The following supporting documents are required for processing of the application :

Requirements
for Grant of
Airline
Operating
Permit
(AOP).

B 2556

(a) Certified true copy of the Certificate of Incorporation of the Company.

(b) Certified true copy of :

(1) The memorandum and articles of association.

(2) Particulars of the Directors of the Company (Form CAC7).

(3) Statement of Share Capital/Return of Allotment (Form CAC2) with minimum PAID-UP share capital of five hundred million Naira (N500,000,000.00).

(c) At least one member of the board of directors must be an aviation professional in line with the provisions of the Act. In addition, the majority shareholding shall be held by Nigerian(s) ;

(d) Current tax clearance certificates of the company and of each of the directors ;

(e) Detailed business plan of the company indicating among other things, the company's vision, mission, market analysis and strategy, company's ownership structure, personnel plan, fleet acquisition plan, financial plan including source(s) of finance, balance sheet, break-even analysis, pro- forma income projections (profit and loss statements), cash flow analysis, proposed fares for passengers or cargo, etc and other standard business plan requirements showing the road map of the applicant's strategy to provide efficient services in respect of safety, regularity, reliability and profitability of operations ;

(f) Publication of Notice of the application in two (2) national daily newspapers. The publication should contain information on the application submitted to the Authority for the grant of AOP ;

(g) Evidence of the applicant's financial solvency to undertake the business. Applicants are expected to prove that they are financially solvent to run operations for a period of three (3) months from the start of operations without resorting to any income from their operations ;

(h) Duly completed application forms (to be obtained from the Authority) ;

(i) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ; and

(j) Evidence of adequate insurance cover for passengers, cargo and third party liability as specified in this regulation.

(3) *Publication in the Official Gazette.*

The Authority will cause the notice of application to be published in the Official Government Gazette.

(4) *Home or operational base of the airline.*

The applicant will be required to liaise with the Airport Service providers

and or Federal Airports Authority of Nigeria (FAAN) regarding approval of its home or operational base.

(5) *Utilization fee.*

Upon receipt of the AOP, an annual utilization fee shall be paid to the Authority as stipulated in NCAA Fees Schedule.

(6) *Additional information.*

On receipt of an application for an AOP, the Director-General may request for additional information from the applicant as may be deemed necessary.

IS:18.2.3.(b)—(1) *General*

An applicant for the renewal of its ATL shall meet the requirements of IS 18.2.3.(A) with exception of items (2)(i)(a), (b), (d), (e), (f), (g) & (3).

(2) *Requirements.*

The following supporting documents are required for processing the application :

(a) NCAA Receipt of payment of processing and utilization fees to the Authority as stipulated in NCAA Fees Schedule ;

(b) Evidence of utilization of Permit vides the following details :

(i) Number and type(s) of aircraft in use ;

(ii) Insurance of aircraft in use, including passenger, cargo and third party ;

(iii) Routes operated ; and

(iv) Total number of passenger, cargo and mail carried during the period of operation of the expiring permit.

(c) Evidence of submission of monthly statistical returns of operations to the Authority.

(d) Evidence of regular and up to date payment of aviation charges.

(3) *Validity of Renewed Permit and Utilization Fee*

(i) The validity of a renewed AOP shall be three (3) years.

(ii) An annual utilization fee shall be paid to the Authority as stipulated in the NCAA Fees Schedule.

(4) *Additional information*

On receipt of an application for an AOP, the Director-General may request additional information from the applicant as may be deemed necessary.

Requirements
for Renewal
of Airline
Operating
Permit
(AOP).

B 2558

Requirements
for Grant of
Permit for
Non-
Commercial
Flights
(PNCF).

IS:18.2.4(A)—(1) *General*

(i) Application for grant of Permit for Non-Commercial Flights (PNCF) shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application for renewal of PNCF must be submitted to the Director-General, Nigerian Civil Aviation Authority on or before a date not less than six (6) months to the expiration of the existing PNCF.

(2) *Requirements*

(i) The application for the grant of the PNCF must contain the following particulars :

(a) Purpose for which the aircraft will be used ;

(b) Number and type(s) of aircraft to be operated ;

(c) Area of operation of flights (i.e. whether within and outside Nigeria).

(ii) The following supporting documents are required for processing the application :

(a) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(b) Source(s) of funds for the maintenance and safe operation of the aircraft ;

(c) Tax clearance certificate(s) of the owner of the aircraft or company and its directors ;

(d) Certified true copy of certificate of incorporation and memorandum of article of association of the company (where applicable) ;

(e) Personal identification document (such as international passport, drivers license etc) and curriculum vitae where applicant is an individual).

(3) *Annual utilization fee*

Upon receipt of PNCF, an annual utilization fee shall be paid to the Authority as stipulated in the NCAA Fees Schedule

(4) *Variation fee*

Holders of PNCF shall be required to pay a variation fee to the Authority as stipulated in the NCAA Fees Schedule for variation of their Permit.

(5) *Additional information*

(i) On receipt of an application for a PNCF, the Authority may request for additional information from the applicant as may be deemed necessary ;

IS:18.2.4.(B)—(1) General

An applicant for the renewal of its PNCF shall meet the requirements of IS 18.2.4.(A) with exception of items (2)(i)(b), (d) & (e).

Requirements
for Renewal
of Permit for
Non-
Commercial
Flights
(PNCF).

IS:18.2.5.(A)—(1) General

(i) Application for the grant of an Air Travel Organizer's Licence (ATOL) shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

Requirements
for Grant of
Air Travel
Organizer's
Licence
(ATOL).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the expected date of utilization of the ATOL.

(2) Requirements

(i) The application for the grant of ATOL should contain inter alia the following information :

- (a) Types of Travels and Tours ;
- (b) Principal Catchment Areas ;
- (c) Principal Destination(s) ; and
- (d) Flight Arrangement(s).

(ii) The following supporting documents are required for processing the application :

(a) Certified true copy of the certificate of incorporation of the company.

(b) Certified true copy of :

- (1) the memorandum and articles of association ;
- (2) Particulars of the Directors of the Company (Form CAC7) ;
- (3) Statement of Share Capital/Return of Allotment (Form CAC2) with minimum PAID-UP share capital of five million (₦5,000,000.00) Naira.

(c) Current tax clearance certificates of the company and of each of the directors.

(d) Performance Bond of ₦7.5 million from a Bank or Insurance Company. The Bond should cover the two (2) year validity period of the ATOL when issued.

(e) An Audited Statement of Accounts for the last three (3) years for an existing company or certified opening balance sheet in case of new company.

B 2560

(f) Publication of Notice of the application in two (2) national daily newspapers. The publication should contain information on the application submitted to the Authority for the grant of an ATOL.

(g) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule.

(3) Additional Requirements for Multiple Flights

An ATOL holder wishing to carry out series of holiday packages at a particular time over a period of two (2) weeks or more such as religious pilgrimage, etc in addition to the initial N7.5million Bond earlier submitted during the processing of its application, will be required to produce a Bank/Insurance Bond based on 15 per cent of forecast turnover.

Requirements for Renewal of Air Travel Organizer's Licence (ATOL).

IS:18.2.5.(B)—(1) General

An applicant for the renewal of its ATOL shall meet the requirements of IS 18.2.5.(A) with exception of items (2)(ii)(a), (b), (c), (e) & (f)

(2) Requirements

The following supporting documents are required for processing the application :

(a) Evidence of utilization of the expired ATOL to wit the following documents :

(i) Types of travel arrangements made, whether whole plane charter or otherwise ;

(ii) Name(s) of aircraft operator(s) or airline(s) used ;

(iii) Types of tours organized and destination ; and

(iv) Total number of passengers carried for the various tour packages during the period of operation of the expiring licence.

(b) Audited Statement of Account or Auditor's report of operation carried out by the company.

Requirements for Grant of Permit for Aerial Aviation Services (PAAS).

IS:18.2.6.2.(A)—(1) General

(i) Application for grant of a Permit for Aerial Aviation Services (PAAS) shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General on or before a date not less than six (6) months to the expected date of utilization of the PAAS.

(2) *Requirements*

(i) The application for the grant of PAAS must contain the following particulars :

- (a) Name and address of applicant ;
- (b) Type(s) of air services to be provided ;
- (c) Proposed operational base of applicant ;
- (d) Details of proposed routes to be operated where applicable ;
- (e) Number and types of proposed aircraft to be utilized ; and
- (f) Time and frequency of the services.

(ii) The following supporting documents are required for processing the application :

(a) Certified true copy of :

- (i) the certificate of incorporation of the company ;
- (ii) the memorandum and articles of association ;
- (iii) Particulars of the directors of the company (Form CAC7) ;

(iv) Statement of Share Capital/Return of Allotment (Form CAC2) with minimum PAID-UP share capital of ₦20,000,000.00 (twenty million Naira) ; and at least one member of the board of directors must be an aviation professional in line with the provisions of the Act. In addition, the majority shareholding shall be held by Nigerian(s) ;

(b) Current tax clearance certificates of the company and of each of the directors ;

(c) Detailed business plan of the company indicating among other things, the company's vision, mission, market analysis and strategy, company's ownership structure, personnel plan, fleet acquisition plan, financial plan including source(s) of finance, balance sheet, break-even analysis, pro- forma income projections (profit and loss statements), cash flow analysis and other standard business plan requirements showing the road map of the applicant's strategy to provide efficient services.

(d) Evidence of the applicant's solvency to undertake the business.

(e) Duly completed application forms (to be obtained from the Authority).

(f) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule.

(3) *Publication in the official gazette*

The Authority will cause the notice of application to be published in the Official Government Gazette.

B 2562

(4) *Annual utilization fee*

Upon receipt of PAAS, an annual utilization fee shall be paid to the Authority as stipulated in NCAA Fees Schedule.

(5) *Additional information*

On receipt of an application for a PAAS, the Director-General may request for additional information from the applicant as may be deemed necessary.

Requirements for Renewal of Permit for Aerial Aviation Services (PAAS).

IS:18.2.6.2.(B)—(1) *General*

An applicant for the renewal of its PAAS shall meet the requirements of IS 18.2.6.2.(A) with exception of items (2)(i) (a), (c), (d) & (3)

(2) *Requirements*

The following supporting documents are required for processing the application :

- (a) Evidence of utilization of PAAS.
- (b) Evidence of regular and up-to-date payment of aviation charges.

Requirements for Designation of Nigerian Airlines on International Routes.

IS:18.4.1.1. These requirements shall apply to Nigerian airlines seeking designation on international routes.

PART ONE

(1) *General*

(i) Application for designation on international routes shall be made in writing to the Minister responsible for Aviation. The application shall thereafter be forwarded to the Authority for assessment.

(ii) The application shall contain the following particulars :

- (a) Details of routes to be operated ;
- (b) Number and type(s) of aircraft to be used for the operation(s) ;
- (c) Details of airline's existing fleet, including number and age of aircraft ;
- (d) Point(s) of departure and entry in Nigeria ; and
- (e) Point(s) of entry and departure in the country/countries the airline intends to operate to.

(2) *Requirements*

The following supporting documents are required for processing the application :

- (a) Four (4) copies of certified true copy of the certificate of incorporation of the company.
- (b) Four (4) copies of certified true copy of :

- (i) The memorandum and articles of association ;
- (ii) Particulars of the directors of the company (Form CAC7) ;
- (iii) Statement of Share Capital/Return of Allotment (Form CAC2) with minimum PAID-UP share capital of 1 to N1 billion (one billion Naira) for regional routes and N2 billion (two billion Naira) for international routes.
- (c) A copy of valid Air Transport License (ATL) of the applicant.
- (d) A business Plan on the Operation of the proposed route(s).

The business plan shall contain but not necessarily be limited to the following :

- (i) Route viability analysis including detailed projected expenditure and revenue forecasts. The expenditure should be on such operating cost items as fuel, airport charges, handling charges, aircraft lease or depreciation, aircraft maintenance, catering, insurance, personnel etc. While the revenue figures should include proposed load factors, fares and tariffs both at base and outstations, etc. ;
- (ii) A projected Balance Sheet including profit and loss account and current assets and liabilities for the next two (2) years (24 months) ;
- (iii) A projected cash flow statement and liquidity plan for the first three (3) months of operation ; and
- (iv) The assumptions used for the computations.
- (e) Evidence of ability to meet fixed and operational costs incurred from operations for the first three (3) months without generating any income ; and
- (f) Evidence of ability to meet its actual and potential obligations for a period of twenty-four (24) months from the start of operations ;
- (g) The applicant is also required to submit the following :
 - (i) Details of Insurance Policy/Policies covering hull, passenger/cargo, crew and the third Party. Limits of this cover shall be in accordance with the provision of the Civil Aviation Act, the Regulation, Rules, Orders made there under.
 - (ii) Details of airline ownership structure and operational control of the airline.
 - (iii) Details of management team.
 - (iv) Mode of acquisition of the aircraft proposed for utilization on the route(s) and evidence of ownership of more than one aircraft.
 - (v) Technical and maintenance arrangements in place or being put in place.

B 2564

(vi) Details of the airline security programme in accordance with National Civil Aviation Security Programme and carriage of Dangerous Goods in accordance with Part 15 of Nig. CARs, ICAO Doc. 9284 Technical Instruction for Safe Transport of Dangerous Goods by Air.

(vii) Evidence of three (3) years audited statement of account for existing airlines and certified opening balance sheet for new Airlines.

(viii) Current Tax Clearance Certificates of the company and its Directors.

(ix) Proposed arrangements put in place or to be put in place for fuelling of aircraft, catering and handling of passengers/cargo and aircraft ; as well as organizational provisions at outstations.

(x) Evidence and details of applicant's computer reservation system.

(xi) Details of communication network in place.

(xii) Ticketing sales arrangements.

(xiii) Samples of tickets, baggage tags, manifest and other related documents necessary to conduct a commercial flight

(xiv) Evidence of membership or arrangement to be a member of IATA.

(xv) Existing or proposed commercial arrangement with other operators (e.g. alliance, code share, interline, sales agency, etc) (if any).

(xvi) Details of technical partners (if any).

(xvii) Details of applicants experience on scheduled domestic passenger operations and international passenger/cargo and charter operations for operating airlines. While new airlines must show evidence of capability and competence in terms of finance, personnel, equipment and organization to carry out international passenger/cargo operations.

(xviii) Evidence of meeting all financial obligations associated with its operations such as aviation charges if required.

(xix) Additional Information if required.

The Authority shall forward its technical report with appropriate recommendations to the Minister.

PART TWO

IS:18.4.1.1B. A designated Nigerian Airline wishing to obtain an Air Carrier's Permit (ACP) for international operations shall fulfill the following requirements :

(i) Make a payment of a non-refundable processing fees for African or/ and intercontinental routes as stipulated in the NCAA Fees Schedule.

Requirements
for Grant of
Air Carrier's
Permit to
Designated
Nigerian
Airlines On
International
Routes.

(ii) The designated airline shall also submit the following documents :

(a) A revised business plan on the proposed operations of the airline.

(b) Evidence of detailed arrangements of the proposed destinations to support the intended operations.

(c) Evidence of authorized share capital commensurate with the scope of operation. For African routes ₦1 billion, while intercontinental routes shall be ₦2 billion.

(d) Evidence of insurance policy for hull, passenger, cargo, third party liability in line with international standards.

(e) Evidence of organizational exposition detailing airline ownership and control, airline management structure and details of the airlines operations including engineering, marketing, sales and promotion, flight operations, flight planning and scheduling, arrangement for aircraft fuelling, handling, receipt and dispatch, catering and customer services.

(f) Evidence of Computer Reservation System and product distribution and or support system.

(g) Evidence of ownership or operational control of aircraft.

(iii) An airline that has been approved for designation by government on international routes shall seek from the Authority, the variation of its Air Operator's Certificate (AOC) to cover routes and aircraft types to be operated.

(iv) An airline that has varied its AOC and obtained an Air Carrier's Permit (ACP) for international routes will have its designation process finalized by the Ministry through the exchange of diplomatic notes.

(v) Government reserves the right to withdraw from any designated airline, routes not operated consistently within a period of twelve (12) months for African routes and twenty four (24) months for intercontinental routes. Where a designated air carrier suspends operation on a route for more than 12 months, government reserves the right to reassign the routes to other interested airline.

(vi) Designated airlines shall pay destination inspections fees to the Authority and applicable negotiation or re-negotiation of applicable Bilateral Air Services Agreements (BASA).

IS:18.4.1.1.C.—(i) All commercial alliances, code share arrangements etc being entered into by any designated airlines on allocated routes shall be submitted to the Ministry and the Authority for approval.

(ii) No right on the designated routes can be subcontracted by an airline without approval of the Minister.

(iii) Any airline that abandons a route for a period of twelve (12) months shall have the route withdrawn and given to another interested airline.

Conditions
and
Privileges of
Air Carrier's
Permit
(ACP) On
International
Routes.

B 2566

(iv) An airline shall ensure compliance with its approved seasonal schedules. The Authority shall keep records of the dispatch reliability of airlines. Any airline that fall short of the benchmark set by the Authority will have its permit withdrawn.

(v) An airline must put in place, a co-operative arrangement to cover its scheduled operations in case of unavoidable technical and operational problems.

(vi) An Air Carrier's Permit (ACP) will be considered for revocation and the top management of the airline liable for prosecution if :

(a) the airline and or its agents are found engaging in criminal activities that can tarnish the image of the country.

(b) the airline by omission or commission promotes the interest of other nations above that of Nigeria.

(c) the airline and or its agent fail(s) to meet safety and security standards, as well as financial obligations to creditors.

(d) Any other condition and privileges that may be specified by the authority from time to time.

Requirements
for the
Commence-
ment of
Operations
by
Designated
Foreign
Airlines on
Nigerian
Routes.

IS:18.5.1.1.3 A.—(1) General

Foreign airlines applying to operate scheduled services into and out of Nigeria shall fulfill the under listed requirements :

(i) be designated under an existing Bilateral Air Services Agreement (BASA) between its government and Nigeria.

(ii) submit necessary supporting documents through diplomatic channels, to the Nigerian aeronautical authority. Details of such designation must be in accordance with the provisions of the existing BASA, upon which such designation is being made.

(iii) Designated airlines must fulfill the requirements of Part 10 of the Nigerian Civil Aviation Regulations (Nig.CARs) on Commercial Air Transport by Foreign Air Carriers within Nigeria before the FCOP can be issued by the Authority.

(2) Requirement

The following documents shall be provided by the designating country or airline shall include :

(a) Details of the Designated Airline including :

(i) Name of Airline ;

(ii) Address of its principal place of business (Head Office) ;

(iii) Details of Airline's ownership structure (majority ownership shall rest with the nationals of the State designating the airline) ;

- (iv) Nationality of Airline ;
- (v) Address in Nigeria;
- (vi) Names and address of the Airline's representative(s) in Nigeria ;
- (vii) Proposed ground handling company to be used ;
- (viii) Aircraft type(s) to be utilized for the proposed operation ; and
- (ix) Aircraft configuration and specifications.

(b) Airline's Aircraft Documents

- (i) Air Operator's Certificate (AOC).
- (ii) Evidence of comprehensive insurance cover for aircraft, passenger, cargo and third party liabilities.
- (iii) Certificate of aircraft Registration (for each Aircraft) to be operated on the route.
- (iv) Certificate of Airworthiness (for each Aircraft) to be operated on the route.

(c) Airline Security Manual

The designated airline shall submit a copy of its Security Manual which should be in accordance with The National Civil Aviation Security Programme.

(d) Dangerous Goods Manual

The designated airline shall submit a copy of its Dangerous Goods Manual which should be in accordance with Technical Instruction For The Safe Transport of Dangerous Goods by Air Doc. 9284, Part 15 of Nig.CARs.

(e) Other Supporting Documents

- (i) Proposed tariff on the route.
- (ii) Proposed flight schedule and timetable.
- (iii) Existing and proposed commercial arrangements with other operators i.e. alliance, code-share, interline, sales agency, etc.
- (iv) Evidence that substantial ownership and effective control of the airline are vested in the designating State or its nationals.
- (v) Any other licence or approvals issued by the aeronautical authorities of the airline's designating country.

Base Inspection.

The Authority's safety inspectors shall carry out safety assessment audit of the airline's base prior to the issuance of FCOP and commencement of operations.

B 2568

Requirements for Introduction and Revision of Aviation Charges.

IS:18.7.3.1. Any airport operator, air navigation service provider or aero-meteorological service provider intending to introduce or revise charges shall submit to the Authority, an application for approval to introduce or revise the charges. The application which shall be addressed to the Director General of the Authority shall be submitted at least sixty (60) days prior to the introduction of the new charges, fees and tariffs. The application shall be accompanied with the necessary documents justifying the need for the introduction or revision of the charges, fees and tariffs.

These documents shall include but not limited to the following :

- (i) Financial projections based on existing charges, fees and tariffs.
- (ii) Financial projections based on proposed charges, fees and tariffs.
- (iii) Minutes of meeting between the operator and the users of the service in accordance with ICAO Doc.9082.

The Authority may require additional information or documents and invite the operator to meetings, if necessary.

Nigeria National Facilitation Programme (NNFP).

IS:18.8.14.—(i) The Nigeria National Facilitation Programme (NNFP), shall be in conformity with the provisions of ICAO Annex 9 on Facilitation.

(ii) *Purpose of the NNFP*

The purpose of this NNFP is to facilitate border-crossing formalities which must be accomplished with respect to aircraft engaged in international operations and their passengers, crew and cargo, in line with the Chicago Convention, 1944.

(iii) *Scope of the NNFP*

The NNFP contains applicable Articles of the Chicago Convention and the responsibilities for implementing the Articles in accordance with the Standards and Recommended Practices (SARPs) of Annex 9 on Facilitation.

(iv) *Organization and Management of NNFP*

The primary responsibility of the NNFP shall rest with the Director-General, while the implementation shall be through the National Facilitation Committee and the Airport Facilitation Committees.

(v) *Composition of the National Facilitation Committee*

The National Facilitation Committee shall be headed by the Director-General of NCAA and made up of representatives of the following organizations :

- (a) NCAA ;
- (b) Aviation Ministry ;
- (c) The Airport Operators ;
- (d) Nigeria Customs Services ;

- (e) Nigeria Immigration Services ;
- (f) Nigeria Police Force ;
- (g) Foreign Affairs Ministry;
- (h) Nigerian Agricultural Quarantine Service ;
- (i) State Security Service ;
- (j) Nigerian Drug Law Enforcement Agency ;
- (k) Port Health ;
- (l) Nigerian Airspace Management Agency ;
- (m) Tourism ;
- (n) Airline Operators ; and
- (o) National Aviation Security Committee.
- (vi) *Guidelines for National Facilitation Committee*

(a) The Nigeria National Facilitation Committee shall be responsible for implementation of the application Articles of the Chicago Convention as follows :

(i) *Article 12—Landing at Customs Airport*

The Nigeria National Facilitation Committee shall :

- (a) Designate Customs airports in Nigeria ;
- (b) Develop procedures through which operators of scheduled and non- scheduled services may request permission to land or depart from customs airports ; and
- (c) Arrange for border inspection services at customs airports.

(ii) *Article 13—Entry and Clearance Regulation*

The Nigeria National Facilitation Committee shall :

- (a) Develop programmes for control of security problems such as document fraud, illegal migration, smuggling and touting ;
- (b) Support the interested border control agencies in the establishment and maintenance of effective inspection systems at airports, and in their efforts to rationalize their respective procedures ; and
- (c) Co-ordinate preparations for clearing large numbers of passengers, especially during holy pilgrimages.

(iii) *Article 14—Prevention of Spread of Disease*

The Nigeria National Facilitation Committee shall :

- (a) Establish, review and amend as necessary, the national policies regarding prevention of the spread of contagious diseases by air, for example, aircraft disinfection, public health-related quarantine programmes and screening measures to be applied in a health emergency.

(iv) *Article 22—Facilitation of Formalities*

The Nigeria National Facilitation committee shall :

(a) Establish, review and amend as necessary, the national regulations which implement the State's customs, immigration and quarantine laws pertaining to international movements by air.

(v) *Article 23—Customs and Immigration Procedures*

The Nigeria National Facilitation Committee shall :

(a) Establish and amend as appropriate, customs and immigration and immigration procedures carried out at Nigerian airports, to harmonize them with the standards and recommended practices set forth in Annex 9 ;

(b) Support and advocate the national issuance of passports and other travel documents in accordance with ICAO specifications in Doc 9303-Machine Readable Travel documents.

(vi) *Article 37—Adoption of International Standards and Procedures*

The Nigeria National Facilitation Committee shall :

(a) Participate in the development of ICAO Annex 9 ; and

(b) Review national procedures periodically in order to ensure harmonization with the provisions of Annex 9.

(vii) *Article 38—Departures from International Standards and Procedures*

The Nigeria National Facilitation Committee shall :

(a) Periodically review conformity by all relevant agencies with the provisions of Annex 9 and notify ICAO of differences between national practices and the relevant standards.

(b) *Schedule of Meeting*

The Nigeria National Facilitation Committee (NNFC) shall meet bi-annually except in cases of emergency. Venue of meetings shall be as determined by the Chairman of the Committee.

Composition of the Airport Facilitation Committees.

IS: 18.8.15.2A. The Airport Facilitation Committees shall be headed by the Airport Managers and made up of representatives of the following organizations or agencies, where applicable :

- (a) Customs ;
- (b) Immigration ;
- (c) Quarantine ;
- (d) State Security Service ;
- (e) NDLEA (Narcotics) ;
- (f) Port Health ;

- (g) NCAA ;
- (h) FAAN ;
- (i) NAMA ;
- (j) Tourism ; and
- (k) Airline operators.

IS:18.8.15.2.B.—(i) To implement the policies and directives of the National Facilitation Committee.

Terms of Reference of Airport Facilitation Committee.

(ii) To liaise with Airport Security Committee to ensure that security in the airports do not hinder smooth passage of passengers, crew, cargo, mail and aircraft.

(iii) To review reports of activities relating to facilitation at the airports and make suggestion(s) for improvement.

(iv) To hold quarterly meetings except in case of emergency. The venue of the meetings shall be as determined by the Chairman of the Airport Facilitation Committee.

(v) The Airport Facilitation Committee shall devise its own rules of procedure.

IS:18.8.6.2.A. The Airport Slot Allocation Committee shall be headed by the Airport Manager and made up of representatives of the following organizations or agencies :

Composition of the Airport Slot Allocation Committee.

1. NCAA ;
2. FAAN ; and
3. NAMA.

IS:18.8.6.2.B.—(i) To formulate the rules for the allocation and exchange of slots at designated international airports in Nigeria, on a fair, transparent and non-discriminatory basis.

Terms of Reference/ Functions of the Airport Slot Allocation Committee.

(ii) To coordinate and monitor the scheduling process.

(iii) To hold quarterly meetings except in case of emergency. The venue of the meetings shall be as determined by the Chairman of the Airport Slot Allocation Committee.

(iv) The Airport Slot Allocation Committee shall determine its own rules of procedure.

IS:18.9.1.2.—(i)(a) Requirements for Licensing Ground Handling Companies.

Requirements for Licensing Ground Handling Companies Implementing Standards.

A. *Procedure for Application*

(i) Application for licence as a ground handling company shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA) ;

B 2572

(ii) The application shall be signed by a person duly authorized by the applicant ; and

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the desired commencement of operations.

B. Requirements

The application for the licence must contain the following particulars :

(i) Name and address of applicant ;

(ii) The type of ground handling services to be provided ; and

(iii) Proposed airport or airports where applicant intends to provide the service(s).

C. Pre-Qualification Stage

The applicant is expected to fulfill the following requirements :

(i) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(ii) Obtain and complete pre-qualification processing forms and return same to the Authority with evidence of payment of the non-refundable processing fee ;

(iii) Submit the following supporting documents for processing of the application :

(a) Copy of certified true copy of certificate of incorporation of company ;

(b) Copy of certified true copy of memorandum and articles of association of the company ;

(c) Statement of Share Capital/Return of Allotment of Shares (Form CAC2) indicating a minimum authorized share capital of five hundred million Naira (₦500,000,000.00) ;

(d) Copies of tax clearance certificates of the company and of each of the Directors for the last three (3) years ;

(e) Company exposition detailing the ownership and management structure, company's/promoters' experience in the area of the proposed services it intends to provide, etc. ;

(f) Comprehensive details with documentary evidence of technical partner including name, address, experience, nature of partnership arrangements etc. ;

(g) Evidence of financial capability to undertake the business ;

(h) Proposed adequate Insurance Policy and/or insurance arrangement being put in place ;

(i) The Authority shall during the course of processing the application, forward relevant documents to the Ministry of Aviation to enable it seek on behalf of the applicant, security clearance, from the Presidency. The shareholders of the company will be required to appear at the Headquarters of the State Security Services in Abuja for documentation..

(j) A copy of a detailed business plan on the operation indicating, among other things :

(i) Proposed services to be rendered such as passenger handling, baggage handling, ramp services, freight and mail services, flight operations, crew services, surface transport services, aircraft services, catering, etc. ;

(ii) Marketing analysis including market segments, target market and customers, customers' characteristics, customers' needs, etc. ;

(iii) Competitive analysis such as industry overview, nature of competition, primary competitors, competitive products/services, opportunities, threats and risk, etc. ;

(iv) Marketing and Sales. These should address who the major customers will be and how they will be reached, marketing strategies to be used etc. ;

(v) Scope of applicant's operations giving comprehensive details of facilities and equipment required and their cost, management structure, staffing plan (employment plans, training and remuneration), operational procedure etc. ;

(vi) List of key personnel (including the safety and security managers) with details of their qualifications, skills, experience etc. Copies of their curriculum vitae should be provided ; and

(vii) Financial plan including estimated costs of setting up the business, Projected revenue, scheme of charges, profit and loss projection, cash flow projection, balance sheet projection, etc (the assumptions used for the computations should also be stated).

(k) Operational Manual containing the company's proposed Standard Operating Procedure on the services to be rendered. This should contain details of how the operations will be conducted in accordance with IATA Ground Handling Manual. This should also contain a sample of the Service Level Agreements (SLAs) the applicant intends to have with the airlines ;

(l) Applicant's Safety Management System (SMS) Manual ;

(m) Applicant's Security Manual which shall be in compliance with the National Civil Aviation Security Programme (NCASP) and showing its understanding of the relevant provisions of ICAO Annexes such as Annex 9 on Facilitation and Annex 17 on Security ;

B 2574

(n) Dangerous Goods Manual which should also be in accordance with ICAO Annex on Dangerous Goods, ICAO Doc 9284 (Technical Instructions For The Safe Transportation of Dangerous Goods by Air) and Part 15 of these Regulations ;

(iv) The applicant may be required to provide additional documents and information depending on the type(s) of services(s) it intends to provide ;

(v) The Authority upon receipt of these documents and evaluation of same shall :

(a) Invite the promoters or directors of the company to a meeting with the officials of the Authority ;

(b) Seek the comments of the airport operator or owner on the proposed operation ;

D. *Qualification Stage*

An applicant shall be qualified for this stage if :

(i) Security Clearance has been obtained ;

(ii) favourable comments are received from the airport operator or owner about the proposed operation ; and

(iii) The Authority is convinced that the applicant has the potential to carry out the business.

E. *Issuance of Provisional Approval*

If the Authority is satisfied that the applicant has fulfilled the requirements, the Authority shall issue a provisional approval, and request the applicant to acquire the necessary equipment and demonstrate its capability to carry out efficient services.

F. *Demonstration*

The applicant will be required to demonstrate its ability to offer efficient services as contained in its operational manual.

G. *Issuance of a Licence*

A substantive licence shall be granted to the applicant by the Authority, upon satisfaction that the applicant has demonstrated its ability to offer safe, secure and efficient services.

H. *Validity of Licence*

(i) The validity of a licence shall be for Ten (10) years.

(ii) Upon receipt of licence, an annual utilization fee shall be paid to the Authority as stipulated in the NCAA schedule.

IS:18.9.1.2(i)(b).—A. *Renewal of Ground Handling Licence*

Requirements
for the
Renewal of
a Ground
Handling
Licence.

(i) Application for renewal of Ground Handling Licence shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant ; and

(iii) The application Shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the expiration of the existing ground handling licence.

B. Requirements

The application for the renewal of a ground handling licence shall be accompanied with the following supporting documents :

(i) NCAA Receipt of payment of non-refundable renewal processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(ii) Completed processing forms ;

(iii) Copies of tax clearance certificates of the company and of each of the directors for the last three (3) years ;

(iv) Current insurance policy ;

(v) List of any new key personnel (including the safety and security managers) with details of their qualifications, skills, experience etc. Copies of their curriculum vitae should be provided ;

(vi) Updated operational manual containing the company's Standard Operating Procedure on the services being provided ;

(vii) Copy of any new Service Level Agreements (SLAs) with the airlines ;

(viii) Applicant's updated manual on Safety Management System (SMS) ;

(ix) Applicant's updated Security Manual which shall be in compliance with the National Civil Aviation Security Programme (NCASP) and in accordance with the ICAO Annex 9 on Facilitation and Annex 17 on Security ; and

(x) Updated Dangerous Goods Manual which should also be in accordance with ICAO Annex on Dangerous Goods, ICAO Doc 9284 (Technical Instructions For The Safe Transportation of Dangerous Goods by Air) and Part 15 of these Regulations.

C. Security Clearance

The Authority shall during the course of processing the application, forward relevant documents to the Ministry of Aviation to enable it seek on behalf of the applicant, security clearance, from the Presidency.

The shareholders of the company will be required to appear at the Headquarters of the State Security Services in Abuja for documentation.

D. *Renewal of Licence*

(i) Upon satisfactory fulfillment of the requirements for renewal, the expired ground handling licence shall be renewed for ten (10) years ;

(ii) Upon receipt of the licence, , an annual utilization fee shall be paid to the Authority as stipulated in the NCAA Fees Schedule ; and

(iii) If on the date of the expiration of the licence, an application for renewal is pending with the Authority, the expiring licence may continue in force under such terms and conditions as prescribed by the Authority. This provision shall only apply if all the required documents for renewal of the licence have been submitted to the Authority and the delay in the renewal of the licence is occasioned by a third party.

IS:18.9.1.2.(ii)(a).—A. *Procedure for Application*

(i) Application for the registration as an agent of foreign airlines shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA) ;

(ii) The application shall be signed by a person duly authorized by the applicant ; and

(iii) The application Shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months prior to the date for the commencement of operations.

B. *Requirements*

(a) Payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(b) The following documents shall be submitted along with the application :

(i) Copy of certified true copy certificate of incorporation ;

(ii) Copy of certified true copy of memorandum and articles of association with minimum share capital of one million Naira (₦1,000,000.00) ;

(iii) Curricula vitae of the directors and operations staff ;

(iv) Certificate(s) (if any) obtained by directors in aviation related courses ;

(v) Evidence of agency agreement with foreign airline(s), if any ;

(vi) Current tax clearance certificates of the company and of each of the directors (originals should be submitted for sighting) ;

(vii) Evidence of publication in respect of the application for registration in two (2) national daily newspapers (format attached) ;

(viii) Corporate profile, including other aviation-related services being performed by the applicant.

C. *Additional Requirements*

(i) The Authority shall inspect the office premises of the company at the applicant's cost. In case there is a change of address, the applicant shall notify the Authority immediately.

(ii) The applicant's operations staff shall show evidence of relevant certificates, experience, adequate knowledge and background in aviation-related matters.

D. *Validity of Certificate*

The validity of a certificate shall be two (2) years unless otherwise suspended, withdrawn or revoked.

IS:18.9.1.2(ii)(b).—A. *Procedure for Application*

(i) Application for renewal of an agent of foreign airlines shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the expiration of the existing registration.

Requirements for the Renewal of Certificate of Registration of Agents of Foreign Airlines.

B. *Requirement*

The following supporting documents shall be forwarded with the application :

(a) Returns on agent's activities in the past two (2) years, detailing amongst others, the number of flight clearances obtained and for which airlines, etc ;

(b) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(c) Details of relevant refresher courses attended by the operations staff during the period. (The certificates obtained should be attached) ;

(d) Curricula vitae of any new director and or operations staff ;

(e) Evidence of any new agency agreement with foreign airline(s) if any ;
and

(f) Duly completed renewal form NCAA/AFA.001 (Form obtainable from the Authority).

C. Upon satisfactory fulfillment of the requirements for renewal, the expired certificate shall be renewed for two (2) years.

IS:18.9.1.2(iii)—A. *Procedure for Application*

(i) Application for the registration as a travel agency shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

Requirements for Registration of Travel Agency.

B 2578

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to prior to the date for the commencement of operations.

B. Requirements

(i) payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule.

(ii) The application must contain the following documents :

- (a) Name and address of applicant ;
- (b) Types of services being offered ;
- (c) Number of offices owned by the applicant/company.

(iii) The following supporting documents must be submitted to the Authority before commencing the processing of the application :

(a) Copy of certified true copy of certificate of incorporation of company ;

(b) Copy of certified true copy of memorandum and articles of association of the company with minimum share capital of one million Naira (₦1,000,000.00) ;

(c) Curricula vitae of the Directors ;

(d) Evidence of registration by IATA ;

(e) Evidence of agency appointment by airlines (if any) ;

(f) Evidence of National Association of Nigerian Travel Agents (NANTA) membership ;

(g) Corporate profile in respect of all aviation related services being performed by the applicant ;

(h) Duly completed application form ; and

(i) Copy of receipt of payment of the non-refundable fee of Ten Thousand Naira (₦10,000.00) to the Authority ;

(j) Details of agency's performance in the default insurance programme.

C. Additional Requirements

(i) Each applicant shall make available its office premises for inspection by officials of the Authority at the applicant's cost.

(ii) Applicant must have at least two (2) full-time qualified personnel, who must have successfully completed a course in Airline Ticketing and Reservation in a recognized training institution. In addition, the personnel

must have a minimum of two (2) years work experience with an IATA agency or airline in Ticketing/Reservation. No agency personnel will be deemed qualified, if he or she has not spent a minimum of ninety (90) days with the travel agency as at the time of inspection by the Authority.

D. Additional Information

(i) On receipt of an application, the Director-General may request for additional information from the applicant as may be deemed necessary.

(ii) Any duly registered or accredited agent should be aware that the Authority has the continuing responsibility to be satisfied with the conduct of the registered travel agent. The Authority shall monitor the activities of the travel agent to ensure that its operations are in accordance with set standards and regulations guiding the operation.

(iii) Notification to the Authority of change of name, location, ownership, shareholding in the company.

IS:18.9.1.2.(iv)(a).—A. *Procedure for Application*

(i) Application for registration as a cargo agent or air freight forwarder shall be made in writing to the Director-General.

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to prior to the date for the commencement of operations.

B. *Requirement*

(i) Copy of NCAA receipt of payment of the non-refundable fee to the Authority as stipulated in NCAA Fees Schedule ;

(ii) The application shall be submitted along with the following documents :

(a) Copy of certified true copy of certificate of incorporation of company

(b) Copy of certified true copy of memorandum and articles of association of the company ;

(c) Statement of Share Capital/Return of Allotment of Shares (Form CAC2) indicating a minimum authorized share capital of one million Naira (₦1,000,000.00) ;

(d) Curricula vitae of the Directors ;

(e) Evidence of agreement with the airline (if any) ;

(f) Evidence of membership of any relevant association(s) ;

(g) Corporate profile in respect of all aviation related services being performed by the applicant-company ;

Require-
ments for the
Registration
of Cargo
Agents or
Air Freight
Forwarders.

(h) Current tax clearance certificates of company and directors of the company ; and

(i) Duly completed application form (form obtainable from the Authority).

C. Additional Requirements

(i) The Authority shall inspect the office and warehouse premises of the company at the applicant's cost. In case there is a change of address, the applicant shall notify the Authority immediately.

(ii) All personnel involved in cargo acceptance must be trained in Basic Cargo Skills and Procedures. The personnel should be competent to :

- (a) calculate the transportation time ;
- (b) calculate chargeable weight ;
- (c) calculate relevant charges ;
- (d) complete the air waybill (AWB) correctly ;
- (e) have knowledge of conditions of carriage and airline liability ;
- (f) have basic knowledge of relevant characteristics of aircraft ;
- (g) make reference to and use relevant manuals ;
- (h) have basic knowledge of handling Dangerous Goods.

(iii) The following additional requirements shall be fulfilled :

(a) The applicant must have at least two qualified personnel with certificates on Dangerous Goods Regulation (DGR) as appropriate (i.e. current within the validation period of 24 months).

(b) The applicant must submit a copy of its Dangerous Goods manual to the Authority for evaluation and approval.

(c) The applicant must have current copies of the ICAO Technical Instructions, (updated every 2 years).

(d) The applicant must ensure that shipments of dangerous goods are accepted and offered for transport in accordance with the, Part 15 of Nigeria Civil Aviation Regulation and ICAO Technical Instruction for the Transport of Dangerous Goods Doc 9284.

(e) The applicant shall have emergency response guide for all shipments.

IS:18.9.1.2. (iv)(b).—A. *Procedure for Application*

(i) Application for renewal of a cargo agent or air freight forwarder shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application Shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to prior to the date for the expiration of the certificate.

B. Requirement

The following supporting documents shall be forwarded with the application :

(i) Returns on agent's activities in the past two (2) years, which may not be limited to the following :

(a) The tonnage of cargo processed, both imports and exports.

(b) Addresses of new Offices (if any).

(ii) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule in respect of the application ;

(iii) Certificates of refresher courses attended by the operations staff during the period, especially in the handling of Dangerous Goods and special cargoes ; and

(iv) Curriculum vitae of any new directors of the company ;

(v) Evidence of agency agreement with airlines in case there have been changes to the previous agreement, or there are new ones ; and

(vi) Duly completed renewal form NCAA/CA.001 (Form obtainable from the Authority).

C. The facilities of the cargo shed shall be inspected by officers of the Authority prior to the renewal of the certificate.

D. Upon satisfactory fulfillment of the Requirements for Renewal, the expired certificate shall be renewed for two (2) years.

IS:18.9.1.2.(v).—A. Procedure for Application

(i) Application for licence as an in-flight catering company shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be submitted to the Director-General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six(6) months to the desired commencement of operations.

B. Requirements

(i) The application for the registration of in-flight catering companies shall contain the following particulars :

(a) Name and address of applicant ;

(b) Areas of in-flight catering services to be provided ; and

(c) Proposed airport or airports where applicant intends to provide service.

Requirements
for
Registration
of In-Flight
Catering
Companies.

B 2582

(ii) The following supporting documents are required for processing of the application :

(a) Copy of certified true copy of certificate of incorporation of company ;

(b) Copy of certified true copy of memorandum and articles of association of the company ;

(c) Statement of Share Capital/Return of Allotment of Shares (Form CA2) indicating a minimum authorized share capital of Twenty-Five Million Naira (₦25,000,000.00) for domestic operations and Two Hundred Million Naira (₦200,000,000.00) for international operations ;

(d) Curriculum vitae of the directors and operations staff ;

(e) Current tax clearance certificates of the company and of each of the directors (originals should also be submitted for sighting) ;

(f) Details of adequate insurance policy (covering all areas of services to be provided) ;

(g) Evidence of registration of the company with the National Agency for Food and Drugs Administration and Control (NAFDAC) ;

(h) Evidence of publication of the application for registration in two national daily newspapers ;

(i) Company profile, including other aviation-related services being performed by the applicant if any ;

(j) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

(k) Company exposition detailing the ownership and management structure, applicant's experience in the area of the proposed services it intends to provide, name and experience of technical partners (if any) etc ;

(l) Comprehensive details of technical partner including name, address, experience, nature of partnership arrangements, etc. Documentary evidence should be provided ;

(m) A copy of a detailed business plan on the operation indicating, among other things :

(i) Marketing analysis including market segments, target market and customers, etc ;

(ii) Competitive analysis such as industry overview, nature of competition, primary competitors, competitive products/ services, opportunities, threats and risks, etc ;

(iii) Marketing and Sales—These should address who the major customers will be and how they will be reached, marketing strategies to be used, etc. ;

(iv) Scope of applicant's operations giving comprehensive details of facilities and equipment required and their costs, management structure, staffing plan (employment plans, training and remuneration), operational procedure, etc ;

(v) List of key personnel (including the Quality Assurance, Safety and Security Managers) with details of their qualifications, skills, experience etc. Copies of their curriculum vitae should be provided ;

(vi) Financial plan including estimated costs of setting up the business, Projected revenue, scheme of charges, profit and loss projection, cash flow projection, balance sheet projection, etc (the assumptions used for the computations should also be stated).

(n) Operational Manual containing the company's proposed Standard Operating Procedures on the services to be rendered. This should contain details of how the operations will be conducted in accordance with international best practices. This should also contain a sample of the nature of the Service Level Agreements (SLAs) the applicant intends to have with airlines ;

(o) Applicant's Safety Management System (SMS) manual ;

(p) Applicant's Security Manual which shall be in compliance with the National Civil Aviation Security Programme (NCASP) and showing its understanding of the relevant provisions of ICAO Annexes such as Annex 9 on Facilitation and Annex 17 on Security ; and

(q) The applicant may be required to provide additional documents and information depending on the areas of service(s) it intends to provide.

C. *Additional Requirements*

(i) The office premises of the applicant shall be inspected by official(s) of the Authority at the applicant's cost.

(ii) The applicant's operational staff shall show evidence of relevant certificates and adequate knowledge relevant to the intended operation such as background in In-flight catering-related matters (chefs, microbiologists, quality control and janitors. etc.).

(iii) The applicant shall endeavour to organise refresher courses for its staff from time to time.

(iv) The applicant shall endeavour to establish offices at relevant airports.

(v) Duly completed Personal History Statement (PHS) forms and two (2) passport photographs in respect of each of the shareholders of the company having more than 5 percent equity shareholding to enable the NCAA seek security clearance from the Presidency on behalf of the applicant.

(vi) The applicant shall develop and implement an in-flight catering security programme in line with NCASP.

D. *Validity of Licence*

The validity of the Licence shall be for five (5) years.

IS:18.9.1.2.(vi).—*Procedure*

1. Application for Registration as an aviation fuel marketer shall be made in writing and addressed to the Director General, Nigerian Civil Aviation Authority (NCAA).

2. The application shall be signed by the lead promoter of the proposed business or Chief Operating/Executive Officer of the applicant company.

3. The application shall be submitted to the office of the Director General, Nigerian Civil Aviation Authority (NCAA) on or before a date not less than six (6) months to the intended date of commencement of operation.

A. *Requirements*

The application for Registration must contain the following initial particulars :

(i) Name and address of applicant ;

(ii) The airports/terminals where the fuel supplier operates or intends to operate ;

(iii) Name and full address(es) of the technical partner(s), with copy/copies of the relevant agreement(s) ;

(iv) Evidence of Certification or Licence issued by the Department of Petroleum Resources (DPR) ;

(v) An applicant, having fulfilled other requirements, shall be required to obtain technical/quality approval from the Directorate of Airworthiness Standards (DAWS) and approval/attestation of adequate fire cover/protection from the Directorate of Airspace & Aerodrome Standards (DAAS) of NCAA, prior to registration ;

(vi) Evidence of Space Allocation in each airport of operation, issued by the Federal Airports Authority of Nigeria (FAAN).

B. The applicant is expected to fulfill the following requirements :

(i) Payment of Five Hundred Thousand Naira (₦500,000.00) non-refundable processing fee to the Authority (Bank draft made payable to the Authority) ;

(ii) Obtain and complete a processing form and return same to the Authority with evidence of payment of the ₦500,000.00 non-refundable processing fee ;

(iii) The processing form is required to be submitted along with the following documents, and conditions :

- (a) DPR approvals and operational Licence ;
 - (b) FAAN approvals and evidence of land allocation for airfield storage ;
 - (c) Copy of Depot Agreement with FAAN ;
 - (d) Copy of Engineering Drawing ;
 - (e) Evidence of the required ground refueling insurance liability ;
 - (f) Evidence of operational safety case ;
 - (g) Provision of site-Specific Emergency Response ;
 - (h) Minimum global commencement bowser fleet of six (6) ;
 - (i) Importation Licence or evidence of throughput arrangement with a shore/coastal depot or evidence of ownership of coastal depots ;
 - (j) Evidence of possession of technically competent workforce (professional competence and training records) ;
 - (k) Facilities layout plans for operational depot ;
 - (l) Standard and up-to-date operations manual ;
 - (m) Standard and up-to-date quality Control manuals ;
 - (n) Standard safety information guide for depots ;
 - (o) Stringent conditionality for facilities to design in-line with JIG recommendations for Filtration, Test Rig, spill containment, Fire fighting, oil water separation.
- (iv) Submit the following documents :
- (a) Certified true copy of the company's Certificate of Incorporation;
 - (b) A certified true copy of the company's Memorandum and Article of Association ;
 - (c) Statement of share capital/return of allotment of shares (form CAC 2) indicating minimum authorized share capital of not less than One Hundred Million Naira (₦100,000,000.00) ;
 - (d) Ownership structure and list of Directors of the company ;
 - (e) Copies of tax clearance certificates of the company and each of the directors for the last three (3) years ;
 - (f) Evidence of source of financing the business (Financial capability to undertake the business) ;
 - (g) Evidence or statement of insurance policy to cover the business indicating not less than the liability specified by the Authority, or Tarbox insurance cover ;
 - (h) Feasibility study report detailing the proposed operations plans for each of the intended airports ;

(i) List of key personnel responsible for the Aviation Fuel Supply services of the company; and in respect of each of the airports served by the company, with evidence of their relevant background(s), e.g training certificates, licences, curricula vitae etc. ;

(j) Curricula vitae and evidence of relevant background(s) of each of the Directors (e.g. training certificates, licences) ;

(k) The operations facility/installations of the applicant shall be inspected by officers of NCAA (DAWS, DAAS, DATR), prior to issuance of the Licence. Subsequently, regular monitoring and inspections shall be carried out on the company's facilities.

C. Issuance of Certificate

Upon satisfaction that the applicant has demonstrated the ability to render safe and efficient service, the Authority will issue to the applicant a Certificate of Registration.

D. Validity of Certificate

(i) The validity of the Certificate shall be for Five (5) years ;

(ii) Upon receipt of the Certificate of Registration, utilization fee of Two Hundred and Fifty Thousand Naira (₦250,000.00) only shall be paid to the Authority annually.

Require-
ments for
Registration
of Air
Transport
Training
Institution.

IS:18.9.1.2. (vii).—A. *Procedure for Application*

(i) Application for registration as an Air Transport Training Institution shall be made in writing to the Director-General, Nigerian Civil Aviation Authority (NCAA).

(ii) The application shall be signed by a person duly authorized by the applicant.

(iii) The application shall be made to the Director-General on or before a date not less than six(6) months to the desired commencement of operations.

B. Requirements

(i) The application for the registration of Air Transport Training Institution shall contain the following particulars :

(a) Name and address of applicant ;

(b) Areas of courses to be provided ; and

(c) Proposed training sites where applicant intends to provide service.

(ii) The following supporting documents are required for processing of the application :

(a) NCAA Receipt of payment of non-refundable processing fee to the Authority as stipulated in NCAA Fees Schedule ;

- (b) Completed application form ;
- (c) Certified true copy of certificate of incorporation of company ;
- (d) Certified true copy of memorandum and articles of association of the company ;
- (e) Certified true copy of form C07 ;
- (f) Proposed outline of courses the applicant intends to run and information and qualifications of lecturer(s) to undertake the proposed courses.

IS:18.13.2A.—STATISTICAL DATA REPORTING FORMS.

<i>Forms to be completed by Airlines (Scheduled) and Service Providers (FAAN and NAMA)</i>	<i>Frequency of Submission</i>
(i) Form A : Traffic-Commercial Air Carriers	Monthly
(ii) Form A-S : Traffic-Commercial Air Carriers	Yearly
(iii) Form B : On-Flight Origin and Destination	Quarterly
(iv) Form C : Traffic by Flight Stage	Yearly
(v) Form D : Airline's Fleet and Personnel	Yearly
(vi) Form EF : Airline's Financial Data	Yearly
(vii) Form I : Airport Traffic	Quarterly
(viii) Form J : Airport Financial Data	Yearly
(ix) Form K : Air Nav. Services Financial Data	Yearly
(x) Form L : En-route Services Traffic Statistics	Yearly
(xi) Form ATS 01/1: NCAA International Operations Statistical Returns (Passenger)	Monthly
(xii) Form M : Fuel Consumption and Traffic- International and Total Services, Commercial Air Carrier	Yearly
(xiii) Form ATS 01/2 : NCAA International Operations Statistical Returns (Cargo)	Monthly
(xiv) Form ATS 02 : NCAA Airline Monthly Operations Returns Monthly	Monthly

IS:18.13.2B.—STATISTICAL DATA REPORTING FORMS.

<i>Forms to be completed by Airlines (Non-Schedule)</i>	<i>Frequency of Submission</i>
(i) Form A : Traffic-Commercial Air Carriers	Monthly
(ii) Form D : Fleet and Personnel	Yearly
(iii) Form EF : Financial Data	Yearly
(iv) Form M : Fuel Consumption and Traffic- International and Total Services, Commercial Air Carrier	Yearly
(v) Form ATS 02 : NCAA Airline Monthly Operations Returns	Monthly

IS:18.13.2C.—STATISTICAL DATA REPORTING FORMS.

<i>Forms to be completed by Foreign Airlines</i>	<i>Frequency of Submission</i>
(i) Form ATS 01/1 : NCAA International Operations Statistical Returns (Passenger)	Monthly

Contents of Tariffs.

IS:18.14.1.1. Every tariff shall contain :

- (a) the name of the issuing air carrier and the name, title and full address of the officer or agent issuing the tariff ;
- (b) the tariff number, and the title that describes the tariff contents ;
- (c) the dates of publication, coming into effect and expiration of the tariff, if it is to expire on a specific date ;
- (d) a description of the points or areas from and to which or between which the tariff applies ;
- (e) in the case of a joint tariff, a list of all participating air carriers ;
- (f) a table of contents showing the exact location where information under general headings is to be found ;
- (g) an index of points from, to or between which rates apply ;
- (h) a list of the airports, aerodromes or other facilities used with respect to each point shown in the tariff ;
- (i) where applicable, information regarding prepayment requirements and restrictions and information regarding non-acceptance and non-delivery of cargo, unless reference is given to another tariff number in which that information is contained ;
- (j) a full explanation of all abbreviations, acronyms, notes, reference marks, symbols and technical terms used in the tariff and, where a reference mark or symbol is used on a page, an explanation of it on that page or a reference thereon to the page on which the explanation is given ;
- (k) the terms and conditions governing the tariff, generally, stated in such a way that it is clear as to how the terms and conditions apply to the rates named in the tariff ;
- (l) any special terms and conditions that apply to a particular rate and, where the rate appears on a page, a reference on that page to the page on which those terms and conditions appear ;
- (m) the terms and conditions of carriage, clearly stating the air carrier's policy in respect of at least the following matters, namely :
 - (i) the carriage of persons with disabilities,
 - (ii) acceptance of children,

- (iii) passenger re-routing,
- (iv) failure to operate the service or failure to operate on schedule,
- (v) refunds for services purchased but not used, whether in whole or in part, either as a result of the client's unwillingness or inability to continue or the air carrier's inability to provide the service for any reason,
- (vi) ticket reservation, cancellation, confirmation, validity and loss,
- (vii) refusal to transport passengers or cargo,
- (viii) method of calculation of charges not specifically set out in the tariff,
- (ix) limits of liability regarding passengers and cargo,
- (x) exclusions from liability respecting passengers and cargo, and
- (xi) procedures to be followed, and time limitations, for making claims ;
- (n) the rates, shown in Nigerian currency, together with the names of the points from, to or between which the fares apply, arranged in a simple and systematic manner, clearly identified ;
- (o) the routings related to the rates unless reference is made in the tariff to another tariff in which the routings appear ; and
- (p) the official descriptive title of each type of passenger fare, together with any name or abbreviation thereof.