

# USER INFORMATION GUIDE

## Issue of Overflight Permit for Spanish Airspace

G-DSM-PTO-02 1.1

© AESA

**NATIONAL AVIATION SAFETY AGENCY**

*This document is subject to intellectual property laws. All rights reserved under law, including right to translation, re-printing, radio, television or online (website) broadcast, copying by photomechanical or any other means, and storage in data processing facilities, even if the document is only used in part.*

*Any total or partial printed or computerised version of this document is considered a non-controlled copy and must always be compared against the current version on the website.*

## Contents

<b>1.</b>	<b>PURPOSE AND SCOPE .....</b>	<b>2</b>
1.1	REFERENCE REGULATIONS.....	2
<b>2.</b>	<b>REQUESTING AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE .....</b>	<b>3</b>
2.1	CIRCUMSTANCES IN WHICH AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE MUST BE REQUESTED.....	3
2.2	REQUIREMENTS FOR OBTAINING AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE.....	3
<b>3.</b>	<b>OTHER USEFUL INFORMATION .....</b>	<b>5</b>
<b>4.</b>	<b>LIST OF FORMS.....</b>	<b>6</b>
<b>5.</b>	<b>LIST OF ABBREVIATIONS .....</b>	<b>6</b>

## 1. PURPOSE AND SCOPE

This guide provides information to users involving those circumstances in which it is necessary to request a permit to fly over Spanish Airspace, as well as the requirements needed to obtain it.

Civil aircraft that are going to fly over Spanish airspace that are registered in a third State (that is not a member of the European Union) and that do not have a Certificate of Airworthiness or a Restricted Certificate of Airworthiness issued pursuant to ICAO Annex 8 must request a permit to fly over Spanish airspace.

In order to operate, these aircraft must have a Permit to Fly or a Special Permit to Fly issued by the Authority of the State of Registration, pursuant to Annex 8, on Airworthiness, and to ICAO Doc. 9760, Airworthiness Manual.

The Permit to Fly or the Special Permit to Fly is a document that is only valid for operating in the State of Registration that issued it. The Member States that are going to be overflown must issue an "Overflight Permit", a document that in Spain is issued by AESA, as specified in this guide.

For civil aircraft registered in a European Union Member State, Regulation (UE) 748/2012, Part 21 Appendices III and IV (EASA forms 20A and 20B), specifies that a "Permit to Fly" issued by Member States is valid for operating in the European Union, meaning that in such a case, it is not necessary to issue an "Overflight Permit".

This procedure is not applicable to overflight permits requested for military or similar operations (police, customs, transport of armament or ammunition), even if carried out by civil aircraft. Permits for these operations must be requested to the Ministry of Defence.

In addition, amateur-built aircraft are excluded, the permit for which corresponds to the Servicio de Trabajos Aéreos y Aviación Deportiva (Aerial Work and Sports Aviation Service).

The overflight permits requested by third country operators to conduct commercial air transport operations will be authorised by the Servicio de Permisos Comerciales de Tráfico Aéreo (Commercial Traffic Rights Department).

### 1.1 REFERENCE REGULATIONS

The content of this guide is based on the applicable reference regulations listed below.

Annex 8, Airworthiness of Aircraft, to the Convention on International Civil Aviation.

ICAO Document 9760, Airworthiness Manual.

Commission Regulation (EU) No 748/2012, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations.

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators.

Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency.

Commission Regulation (EU) No 1321/2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

Law 39/2015 on common administrative procedures of public administrations.

## 2. REQUESTING AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE

### 2.1 CIRCUMSTANCES IN WHICH AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE MUST BE REQUESTED

An Overflight Permit for Spanish airspace is issued for civil aircraft that are going to fly over Spanish Airspace and to which the following circumstances apply:

- Aircraft registered in a third country that is NOT a member of the European Union.
- Aircraft that do NOT have a valid certificate of airworthiness or restricted certificate of airworthiness as per ICAO Annex 8 and are flying under a special permit to fly issued by the state of registration.

Under these conditions, in order to operate, these aircraft must have a Permit to Fly issued by the Authority of the State of Registration of the aircraft, pursuant to ICAO Annex 8, on Airworthiness, and to ICAO Doc. 9760, Airworthiness Manual.

### 2.2 REQUIREMENTS FOR OBTAINING AN OVERFLIGHT PERMIT FOR SPANISH AIRSPACE

The AESA process for issuing a permit to fly over Spanish airspace involves the following phases:

1. Request Phase
2. Document Evaluation Phase
3. Technical Report Phase
4. Decision Phase

#### 2.2.1 REQUEST PHASE

The requesting Organisation must send a formal request to the Unit of Third-Country Part-145 Organisations, as per form **F-DSM-PTO-02** (Overflight permit request).

The request must be filed at least three days before the planned start date of the operation, at the following address:

Servicio de Permisos Comerciales de Tráfico Aéreo  
Dirección de Seguridad de Aeronaves  
AGENCIA ESTATAL DE SEGURIDAD AÉREA  
Paseo de la Castellana 112  
28046 Madrid

Or, alternatively, by:

**Email:** [permisos\\_comerciales@seguridadaerea.es](mailto:permisos_comerciales@seguridadaerea.es)

The applicant, either with the request or later, must also file the valid documentation detailed below:

- Certificate of Registration, or failing that, a valid registration mark reservation.
- Certificate of Insurance as per European Regulation (CE) No 785/2004.
- Proof of the representative capacity of the person signing the request.
- Special Permit or Clearance to Fly issued by the Registration Authority.

- If applicable, a statement issued by the organization in charge of the aircraft continuing airworthiness management, confirming that the aircraft meets the requirements in relation to the aircraft maintenance programme, Airworthiness Directives, life limited parts...

In addition to the previous documents, if the purpose of the flight is the update of the ACAS II system to the version 7.1, the operator must hold an exemption issued by AESA in order to conduct the flight requested. For that purpose, the operator must fill in the required fields of the form **F-DSM-PTO-02** and must file the following documents:

- Statement where the operator declares that the purpose of the flight is the update of the ACASII system to the versión 7.1 and that the conditions of the exemption are met.
- Documents showing that both the operational and equipment requirements are met, for the airspace of the route which permit to overfly is requested, as mandated by Spanish AIP.

The Overflight Permit and the exemption to fly without version 7.1 of ACAS II system are two different authorisations/documents issued separately.

Once all the documents are received, AESA personnel will proceed to evaluate them.

If the request is not properly filed or if all the information required is not submitted, the applicant will be required to correct the request, as specified in Article 22.1 of Law 30/2015. The Unit of Third-Country Part-145 Organisations will inform the applicant of the need to correct the request via **Form F-DSM-PTO-03** (Fax to request documentation). This communication may be made via email.

If the request is not corrected within ten days, or if all the necessary information is not sent, the request shall be considered withdrawn and terminated. The Unit of Third-Country Part-145 Organisations will inform of said termination using form **F-DSM-PTO-04** (Decision by withdrawal), signed by the head of said unit. This Decision will be reported to the applicant within 10 days from the date on which it is signed.

According to ICAO Document 9760, Airworthiness Manual (5.4.3), commercial flights based on a permit to fly are not authorised, meaning an Overflight Permit does not constitute an authorisation to operate commercial flights in Spanish territory. Commercial requests must be filed with AESA's Commercial Traffic Rights Department, whose e-mail address is [permisos\\_comerciales@seguridadaerea.es](mailto:permisos_comerciales@seguridadaerea.es).

Once all the documentation is filed, the request phase ends and the document evaluation phase begins.

## 2.2.2 DOCUMENT EVALUATION PHASE

During this phase, AESA personnel evaluate the documentation filed by the Organisation to verify the content of all the documentation received.

## 2.2.3 TECHNICAL REPORT PHASE

Once the documentation filed is evaluated, the technical report phase begins. This phase relies on form **F-DSM-PTO-05** (Technical Report), as laid out in Article 27 of the Aviation Inspection Regulation.

If discrepancies are found in the documents received, this is noted on the form and reported to the applicant, who shall be required to correct the discrepancies by sending new documentation.

If all the documents are in order, this will be noted on form **F-DSM-PTO-05** (Technical Report) and the process will continue to the Decision Phase.

#### 2.2.4 DECISION PHASE

Once the technical report is complete, if there are no discrepancies [or if these ones have been solved](#), the Head of the Unit of Third-Country Part-145 Organisations, on behalf of the Director of Aircraft Safety, as per the resolution of 27 October 2008, shall proceed to issue an Overflight Permit, in accordance with form **F-DSM-PTO-01** (Overflight Permit). This permit details the conditions for operating the aircraft, if any, when in Spanish airspace.

If all the discrepancies are not corrected by the planned operation date, the request will be denied and an Overflight Permit will not be issued. The applicant will be informed of this through form **F-DSM-PTO-06** (Negative decision).

**IMPORANT NOTE: Unless an Overflight Permit is issued by AESA, the aircraft will not be legally allowed to fly in Spanish airspace.**

#### 2.2.5 AMENDING AN OVERFLIGHT PERMIT

Only the dates for which the permit is valid may be changed on an Overflight Permit if so requested by the applicant.

In this case, AESA evaluates the validity of the documentation presented in light of the new dates planned for the operation, as per points 2.2.2, 2.2.3 and 2.2.4.

If no discrepancies are found, a new Overflight Permit is issued and the original permit is voided.

### 3. OTHER USEFUL INFORMATION

The Overflight Permit for Spanish airspace is issued subject to the conditions and limitations specified in the Special Permit to Fly issued by the State of Registration and in compliance with Spanish law.

The Overflight Permit for Spanish airspace is only valid for non-commercial flights.

The Overflight Permit for Spanish airspace does not constitute the issuance of any “traffic right” for commercial operations in Spain.

The Overflight Permit for Spanish airspace does not constitute the issuance of airport slots for operations in Spanish airspace (landing or take-off permits). These slots are issued as per AIP Spain by the Scheduling Office. For more information, see the AIP, sections LE\_GEN 1.2 and LE\_ENR 1.10.0.

Permits for operating in Spanish airports are managed by the Airport Management Company and issued as per the regulation published in AIP Spain, specifically LE\_GEN\_1\_2 (RULES FOR AIRCRAFT ENTRY, TRANSIT AND DEPARTURE) and LE\_ENR\_1\_10 (FLIGHT PLAN).

The Overflight Permit for Spanish airspace does not constitute approval of a specific operation. It is the operator’s responsibility to ensure it complies with the operational requirements for Spanish airspace and to obtain the necessary approval from the competent authority if required.

The State of Registration is ultimately responsible for the airworthiness of the aircraft.

#### 4. LIST OF FORMS

The following forms are available for filing the request:

- F-DSM-PTO-01 Overflight Permit
- F-DSM-PTO-02 Overflight permit request
- F-DSM-PTO-03 Documentation request
- F-DSM-PTO-04 Decision by withdrawal
- F-DSM-PTO-05 Technical Report
- F-DSM-PTO-06 Negative decision

#### 5. LIST OF ABBREVIATIONS

ABBREVIATION	DESCRIPTION
<b>AESA</b>	NATIONAL AVIATION SAFETY AGENCY of SPAIN
<b>CoA</b>	CERTIFICATE OF AIRWORTHINESS
<b>COAA</b>	AIR OPERATION and AIRWORTHINESS COORDINATOR
<b>CRS</b>	CERTIFICATE OF RELEASE TO SERVICE
<b>DAEA</b>	AIRWORTHINESS APPROVAL and STANDARIZATION DIVISION
<b>DSA</b>	AIRCRAFT SAFETY OFFICE/DIRECTOR
<b>EASA</b>	EUROPEAN AVIATION SAFETY AGENCY
<b>JDDAEA</b>	HEAD OF THE AIRWORTHINESS APPROVAL and STANDARIZATION DIVISION
<b>JU145X</b>	HEAD OF THE UNIT OF THIRD-COUNTRY PART-145 ORGANISATIONS
<b>ICAO</b>	INTERNATIONAL CIVIL AVIATION ORGANIZATION
<b>SMI</b>	MAINTENANCE AND INSPECTION SERVICE
<b>U145X</b>	UNIT OF THIRD-COUNTRY PART-145 ORGANISATIONS