

GEN 1.2 ENTRY, TRANSIT AND DEPARTURE OF AIRCRAFT

1 GENERAL

All flights into, from or over the territory of the Netherlands, as well as landings within the territory, must be conducted in accordance with the applicable Dutch regulations.

Aircraft arriving in the Netherlands from a non-Schengen destination or departing from the Netherlands to a non-Schengen destination, must use an official border crossing point. The official border crossing points for persons are listed in Annex 4 of the Dutch Aliens Regulation (Voorschrift Vreemdelingen 2000, annex 4).

2 SCHEDULED FLIGHTS

2.1 General

For regular international civil air traffic, operated by foreign operators into and via the Netherlands, a special authorisation is required. Such an authorisation can be obtained:

1. Through designation pursuant to the International Air Service Transit Agreement or to the International Air Transport Agreement, provided that the State in which the operator is registered, is a contracting party to these Agreements.
2. Through designation pursuant to a bilateral agreement, conducted between the Netherlands and the State in which the operator is registered.
3. On application, made through the diplomatic channels or directly to:
Post: Directorate General for Civil Aviation and Maritime Affairs
Traffic Rights Co-ordination
P.O. Box 20901
2500 EX Den Haag
The Netherlands
Tel: +31 (0)70 456 3200
Email: tracon@minienw.nl

2.2 Documentary requirements for clearance of aircraft

It is necessary that the undermentioned aircraft documents be submitted by airline operators for clearance on entry and departure of their aircraft to and from the Netherlands. All documents listed below follow the ICAO standard format as set forth in the relevant Appendices to Annex 9 and are accepted when furnished in the Dutch, English, French or German language, completed in legible handwriting. No visas are required in connection with such documents.

For customs procedures regarding clearance of aircraft relevant information can be found on www.douane.nl, specifically in "Handboek Douane".

2.3 Advance passenger information (API)

Pursuant API Directive 2004/82/EC carriers performing commercial flights are obliged to inform border guards of PAX manifest via automated messages. The API Directive states that the purpose of API data collection and processing is to improve border controls and to combat irregular immigration by the transmission of advance passenger data by carriers to the competent national authorities. API data are collected for border control purposes on extra EU/Schengen inbound flights.

A full implementation guide can be obtained via Account Management, KMAR: LSOAIR.KMar@mindef.nl.

2.4 Passenger name record (PNR)

Pursuant PNR Directive 2016/681/EC and the Use of Passenger Information (Terrorist Offences and Other Serious Crimes) Act carriers performing commercial flights are obliged to inform the government of the Netherlands of their PNR records via automated messages. This obligation exists on all flights coming to or originating from the Netherlands. A full implementation guide can be obtained via Account Management, KMAR: PI-NL.Account.management@mindef.nl.

Pursuant Customs Code of the Union Regulation (EU) 952/2013 - (Customs Code of the Union – UCC) the Customs Administration has the legal competence to demand traveller information. The Customs Administration uses Passenger Name Records (PNR) for supervising the travellers' luggage. This in any case regards the PNR details of:

- all flights from outside the European Union (EU) which arrive at a Dutch airport;
- all flights which depart from a Dutch airport to a destination outside the EU.

Processing travel details by the Customs Administration is done in conformity with the General Data Protection Regulation - GDPR (in Dutch: Algemene Verordening Gegevensbescherming - AVG).

3 NON-SCHEDULED (COMMERCIAL) FLIGHTS

3.1 Procedures

In so far as not otherwise provided by international agreement, flights for non-scheduled transport may only be operated in pursuance of appropriate permission, granted by the minister to the air carrier concerned. This provision does not apply if the minister has granted exemption. The minister may wholly or partially delegate the authority to grant permission and exemption as meant above to the Ministry of Infrastructure and Water Management.

When considering rulings which are to be made, the direction (EC) 2408/92, of the Council of the European Community, regarding the access by community carriers to intra-community air routes (OJ L 240/8 23.6.92) is applicable, and as far as it is not, this resolution is.

1. Due regard will be paid to:
 - a. The interests of the users in having a coherent system of scheduled air services which meet a continuous and reasonable demand for transport within, to, from or via the Netherlands.

- b. The interests of the users in having non-scheduled transport adapted to their demands and at lowest possible rates.
 - c. The interests of the air carriers with regard to profitability.
2. Permission will be granted for flights in non-scheduled commercial transport if such transport, by reason of its conditions is evidently intended to meet other demands than those met by the existing scheduled services, so that it can be ensured that the viability of such scheduled services will not be jeopardised.
 3. The aim will be prevention of unhealthy competition. Unhealthy competition will be considered to exist when in spite of sound management the proceeds of both scheduled and non-scheduled transport do not enable the air carriers operating such transport to obtain a reasonable profit.
 4. Internationally agreed regulations or arrangements and relations in the field of international air transport policy will be taken into account.
 5. In principle no distinction will be made as to whether flights to, from or via the Netherlands are operated by a Netherlands or a non-Netherlands air carrier, provided the state where the non-Netherlands air carrier is established allows equal to Netherlands air carriers for the operation of non-scheduled flights.

The minister will lay down further regulations concerning the operation of flights. The minister is authorised to approve or prescribe rates and transport conditions for commercial transport.

If the making of rulings concerning the granting of permission is delegated to the Ministry of Infrastructure and Water Management, the parties whose interests are damaged can lodge an appeal with the minister.

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4 PRIVATE FLIGHTS

4.1 Advance notification of arrival

The information contained in the flight plan is accepted as adequate notification of the arrival of incoming aircraft. When crossing Schengen external borders additional notification is required as defined in paragraphs 4.2 and 4.3.

4.2 Documentary requirements for clearance of aircraft

For flights departing to and from Schengen countries no additional immigration documents are required. For flights departing to and from non-Schengen countries shall provide immigration documents as described in paragraph 4.3.

4.3 Immigration

In accordance with the Regulation (EU) 2016/399 (Schengen Borders Code) and the Dutch Aliens Regulation 2000 (Voorschrift Vreemdelingen):

- External borders of the Schengen area may only be crossed by individuals at official border crossing points when traveling to or from a non-Schengen destination (destinations that are outside the territory of the Schengen area).
- Designated border crossing points for persons is compiled in annex 4 Aliens Regulation (Voorschrift Vreemdelingen) 2000.
- The captain needs to take into consideration that the airport manager, on airports which are appointed as border crossing point, is obliged to lead everyone to the border control facilities. For flight crossing the Schengen external borders, the captain is obliged to transmit a General Declaration form at least 2 hours prior to take-off to the Royal Netherlands Marechaussee.
 - This applies to flights departing from the Netherlands to a non-Schengen destination, as well as flights arriving from a non-Schengen destination into the Netherlands.
 - The General Declaration form must include details such as the flight plan, crew identities, and passenger identities (article 4.2b of the Aliens Regulation 2000).
- GENDECs shall be submitted through www.GENDEC.eu.
- Additionally, the captain is required to provide two hard copies of the General Declaration form to the Royal Netherlands Marechaussee officials conducting the border control (Annex VI and VII of the Schengen Borders Code and Article 4.15 of the Aliens Decree 2000).

In case of a stopover, the Royal Netherlands Marechaussee will stamp the General Declaration forms. One stamped copy will be handed to the captain (see Annex VI Schengen Borders Code). Immigration authorities may request the General Declaration form from the pilots, at any time.

5 PUBLIC HEALTH MEASURES APPLIED TO AIRCRAFT

In relation to public health measures in the Netherlands all aircraft are granted free pratique. The pilot in command of an aircraft shall report by radio to the health authority of the intended airport of arrival when the following arises:

- a. The presence of persons on board of an aircraft of whom he knows or has reason to suspect are suffering from a disease.
- b. Conditions on board which may lead to the spread of disease.
- c. The disembarkation of persons during the international voyage whom he knows or has reason to suspect are suffering from a disease.

The health part of the General Declaration for aircraft and handing in of this information to the health authority is not required.

