

GEN 1.2 ENTRY, TRANSIT AND DEPARTURE OF AIRCRAFT**1 GENERAL**

All flights into, from or over the territory of the Netherlands and landings in the territory shall be carried out in accordance with the valid regulations of the Netherlands regarding civil aviation.

Aircraft landing in or departing from the territory of the Netherlands must first land at or finally depart from an international airport (see AD 1.3).

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@minienm.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.

2.3 Aircraft documents required (arrival/departure)

Required by	General Declaration	Cargo Manifest
Customs	(2)	(2)

The number between the brackets indicates the amount of copies required.

Note: one copy of the General Declaration is endorsed and returned by the customs, signifying clearance.

Note: if no articles are laden (unladen), no aircraft documents except copies of the General Declaration need be submitted to the customs.

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. He 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.

3.2 Immigration

The obligations of the captain related to the General Declaration form for flights from/to countries outside the Schengen area, are as follows:

- The captain is obliged to make a General Declaration form available before departure which contains flight plan, identity of crew and passengers. The captain is further obliged to hand over two copies of the General Declaration form to the officials of the Royal Netherlands Marechaussee conducting the border control. (See Annex VI and VII Schengen Borders Code and article 4.15 Dutch Vreemdelingenbesluit 2000).
- In case of a stopover, the officials of the Royal Netherlands Marechaussee stamp the General Declaration forms. One stamped copy will be handed to the captain. (See Annex VI Schengen Borders Code).
- Airports which are not appointed as international airport are not to be considered a border crossing point. Airports that are authorised to operate international flights are listed in AD 1.3. (See Annex VI Schengen Borders Code and the list Community airports open to flights from third countries regarding article 34 Schengen Borders Code). According to the Schengen Borders Code third countries are countries outside the Schengen area.
- 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. (See Annex VI Schengen Borders Code).
- Immigration can always demand the General Declaration form of pilots.

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.

4.2 Documentary requirements for clearance of aircraft

No documents in addition of those mentioned under paragraph 2.3 above are required in the case of an aircraft remaining within the Netherlands for a short period of time.

4.3 Immigration

See paragraph 3.2 above.

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.