



# **RWANDA CIVIL AVIATION REGULATIONS**

---

## **PART 37: LICENSING OF AIR SERVICES**

Consolidated to include Special Regulations issued since last amendment of Ministerial Order N°01/CAB.M/019 OF 06/02/2019 Establishing Civil Aviation Regulations.

# Part 37

## Licensing of Air Services

SUBPART A: GENERAL .....	3
37.001 CITATION AND APPLICABILITY .....	3
37.003 SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS .....	3
37.005 DEFINITIONS .....	3
37.010 ABBREVIATIONS & ACRONYMS .....	4
SUBPART B: LICENSING OF DOMESTIC AIR SERVICES .....	5
37.015 DOMESTIC AIR SERVICES TO BE LICENSED .....	5
37.020 AIR SERVICE TO BE LICENSED .....	5
37.025 APPLICATION FOR A LICENCE .....	5
37.030 GRANT OF LICENCE .....	5
37.035 CONDITIONS ATTACHED TO LICENCE FOR DOMESTIC SCHEDULED AIR SERVICES .....	6
37.040 CONDITIONS ATTACHED TO LICENCE FOR DOMESTIC AIR SERVICE .....	6
37.050 UNIVERSAL SERVICE OBLIGATIONS .....	7
SUBPART C: LICENSING OF INTERNATIONAL AIR SERVICE .....	9
37.055 INTERNATIONAL AIR SERVICES TO BE LICENSED .....	9
37.060 LICENCE FOR INTERNATIONAL SCHEDULED AIR SERVICE .....	9
37.065 NON-SCHEDULED FLIGHT BY FOREIGN AIRCRAFT NOT POSSESSING NATIONALITY OF A CONTRACTING STATE.....	9
37.070 NON-SCHEDULED FLIGHT BY FOREIGN OPERATORS .....	10
37.075 MATTERS TO BE TAKEN INTO ACCOUNT .....	10
37.080 CONDITIONS ATTACHED TO LICENCES FOR INTERNATIONAL AIR SERVICE .....	11
SUBPART D: GENERAL PROVISIONS RELATING TO LICENCES .....	12
37.085 FINANCIAL FITNESS .....	12
37.090 DIRECTORS INTEGRITY .....	12
37.095 NOTIFICATION OF OPERATIONAL & ORGANIZATIONAL CHANGES .....	13
37.100 OWNED OR LEASED AIRCRAFT .....	13
37.105 AIRCRAFT LEASE APPROVAL .....	13
37.110 VALID AOC A REQUIREMENT .....	13
37.115 REASONS FOR DECISION .....	14
37.120 CONDITIONS FOR ISSUE OF LICENCE .....	14
37.125 SIX MONTH LAPSE .....	14
37.130 INSOLVENCY .....	14
37.135 AMENDMENT, VARIATION, SUSPENSION OR REVOCATION OF LICENCE .....	14
37.140 ACTION TO VARY, SUSPEND OR REVOKE LICENCE .....	15
37.145 PROVISIONAL LICENCE .....	15
37.150 GRANT & DURATION OF LICENCE .....	15
37.155 CONDITIONS, LIMITATIONS OR REFUSAL TO EXERCISE TRAFFIC RIGHTS .....	15
37.160 FORM OF LICENCE .....	16
37.165 TRANSFER OF LICENCE .....	16
37.170 CONFIDENTIAL INFORMATION .....	16
37.175 CARRIAGE OF MAIL .....	16
37.180 RETURNS .....	16
37.185 SURRENDER & CANCELLATION OF LICENCE .....	16
37.190 RECORDS .....	17
37.195 PASSENGER MANIFESTS .....	17

## CIVIL AVIATION REGULATIONS

37.200 INSURANCE.....	17
SUBPART E: PROVISIONS FOR FRANCHISING IN AIR TRANSPORT .....	19
37.205 FRANCHISEE TO BE LICENCED.....	19
37.210 FOREIGN FRANCHISEE .....	19
37.215 CONDITION FOR FRANCHISING.....	19
37.220 APPLICATION FOR FRANCHISE LICENCE .....	19
37.225 DISCLOSURE OF INFORMATION OF FRANCHISE.....	19
37.230 STANDARDS FOR FRANCHISE.....	19
37.235 RETROSPECTIVE APPLICATION .....	20
37.240 CONTENT OF FRANCHISE AGREEMENT .....	20
37.245 NO CABOTAGE IN FRANCHISE OPERATION.....	20
SUBPART F: TARIFFS & COMPETITION .....	21
37.250 APPROVAL OF TARIFFS .....	21
37.255 COMPATIBLE WITH UNIVERSAL SERVICE OBLIGATION.....	21
37.260 JURISDICTION OF AUTHORITY .....	21
APPENDICES.....	22
APPENDIX 1 TO 37.003.- SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS .....	22
APPENDIX 1 TO 37.030: PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN APPLICATION FOR A LICENCE .....	22
APPENDIX 1 TO 37.085: INFORMATION FOR USE IN ASSOCIATION WITH FINANCIAL FITNESS OF AIR CARRIERS .....	24
APPENDIX 1 TO 37.180: PARTICULARS TO BE GIVEN BY HOLDER OF LICENCES AND OPERATING AUTHORIZATIONS IN MONTHLY RETURNS (EXCEPT WHERE OTHERWISE SPECIFIED) .....	26
APPENDIX 1 TO 37.200: INSURANCE REQUIREMENTS FOR AIR CARRIERS & AIRCRAFT OPERATORS .....	28
APPENDIX 2 TO 37.200: EXAMPLE DOCUMENTATION OF INSURANCE COVERING AIR CARRIER LIABILITY TO PASSENGERS, LUGGAGE, CARGO & THIRD PARTY LIABILITY .....	29
APPENDIX 1 TO 37.225: INFORMATION TO BE DISCLOSED FOR FRANCHISES: DISCLOSURE DOCUMENT .....	31

*The Remainder of This Page Intentionally Left Blank*

**SUBPART A: GENERAL****37.001 CITATION AND APPLICABILITY**

- (a) This Part may be cited as the Civil Aviation (Licensing of Air Services) Regulations.
- (b) This Part prescribes the requirements and manner for obtaining licensing for air services in the Republic of Rwanda.
- (c) The provisions of this Part shall apply to—
  - (1) Rwanda operators engaged in commercial air transport; and
  - (2) Foreign operators engaged in commercial air transport to and from Rwanda.
- (d) Those requirements addressing persons certificated under any Part of these Regulations apply also to any person who engages in an operation governed by any Part without the appropriate certificate, licence, operations specification, or similar document required as part of the certification.
- (e) These Regulations do not apply in respect of any of the following air services—
  - (1) aerial advertising services;
  - (2) aerial fire-fighting services;
  - (3) aerial survey services;
  - (4) aerial movie services;
  - (5) aerial photography services;
  - (6) aerial reconnaissance services;
  - (7) aerial sightseeing services;
  - (8) aerial traffic reporting services;
  - (9) aerial sport and game reporting services;
  - (10) aerial fish spotting services;
  - (11) aerial spreading services;
  - (12) agricultural air operations;
  - (13) aerial weather altering services;
  - (14) transportation services for the retrieval of human organs for human transplants;
  - (15) aircraft demonstration or exhibition services;
  - (16) rotorcraft external load operations;
  - (17) aerial banner towing services;
  - (18) glider towing services;
  - (19) hot air balloon services; and
  - (20) parachute jumping services.
- (f) An operator of an air service referred to in paragraph (c) who carries on board an aircraft persons who are not part of the air crew, but who are required for the conduct of the air service is exempt from having to obtain a domestic licence or a non-scheduled international licence for the transportation of those persons.

**37.003 SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS**

- (a) The summary of amendments and Revision Highlights to this part are contained in Appendix 1 to 37.003.

*New: Internal: Special Regulation RSR/01/2020: Effective 15 November 2020*

**37.005 DEFINITIONS**

- (a) For the purpose of this Part, the following definitions shall apply—
  - Air service.** Any service performed by means of an aircraft for hire or reward and includes air transport service, aerial work and flight training;
  - Designation.** Authorization granted by the Aeronautical Authority to an airline, whose principal place of business and place of registration is in Rwanda, to carry out international

## CIVIL AVIATION REGULATIONS

scheduled air service;

**Domestic air service.** An air service operated within the territory of the airspace of Rwanda, and includes an air service which passes through the airspace over the territory of another State without providing an air service in the territory of that other State, and the route or journey of which started and ended within the territory of Rwanda.

**Franchise.** The rights granted by a franchisor authorizing the franchisee to use various of the franchisors corporate identity elements and marketing symbols including trademarks, service marks, trade names, logotypes, flight designator code, livery, subject to standards and control intended to maintain the quality desired by the franchisor;

**Franchisee.** The airline granted a franchise;

**Franchise licence.** Approval granted by Authority to an airline to operate franchise business;

**Franchisor.** The airline granting a franchise;

**Inclusive tour.** A tour which is sold as a package consisting of—

- (i) such fixed accommodation and other land arrangements of services as may be appropriate for such persons in Rwanda; and
- (ii) the transport of persons by air to and from any destination in Rwanda.

**International air service.** An air service which passes through the airspace over the territory of Rwanda and at least one other State; provided that an air service which passes through the airspace over the territory of another State without providing an air service in the territory of that other State, and the route or journey of which started and ended within the territory of Rwanda, shall not be an international air service;

**International non-scheduled air transport service.** An international air transport service other than an international scheduled air transport service undertaken with a specific flight or a specific series of flights.

**International scheduled air transport service.** International air transport service where flights are undertaken—

- (i) between the same two or more airports;
- (ii) according to a published flights timetable;
- (iii) with each flight being open to use by members of the public;
- (iv) with regularity and frequency consisting of a systematic series of flights;

*Note: The flights may have slight variation on the route and times while serving the same two or more airports.*

**Scheduled air service.** One of a series of flights which are operated between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them;

**Seat.** Any area in an aircraft designed to be occupied by a passenger, other than the area occupied by the luggage of such passenger;

**Short-term licence.** A licence to be in force for a period not exceeding seven days.

### 37.010 ABBREVIATIONS & ACRONYMS

- (a) No abbreviations or acronyms are used in this Part.

**SUBPART B: LICENSING OF DOMESTIC AIR SERVICES**

**37.015 DOMESTIC AIR SERVICES TO BE LICENSED**

- (a) No person shall use an aircraft within Rwanda for the provision of any air service except under and in accordance with the terms of a licence granted by the Authority under these Regulations to that person.
- (b) No air operator whose principal place of business and place of registration is in Rwanda shall use an aircraft for the provision of an air service anywhere in the world except under and in accordance with the terms of a licence granted by the Authority under these regulations.

**37.020 AIR SERVICE TO BE LICENSED**

- (a) An application for a licence shall be made to the Authority where an applicant—
  - (1) intends to commence any air service;
  - (2) intends to continue with any air service whose licence is due to expire;
  - (3) wishes to amend the type of air service or category of aircraft or base of operation specified on the current licence;
  - (4) in the case of a partnership, wishes to amend the particulars of any member associated in the partnership or amend its legal status;
  - (5) in the case of a company, wishes to amend the controlling shareholding of the company or amend its legal status; or
  - (6) wishes to amend the particulars of the prescribed personnel appointed by the licensee to be responsible and accountable for the safety and reliability of the air service.

**37.025 APPLICATION FOR A LICENCE**

- (a) Every application for a licence shall be made to the Authority on a form to be obtained from it on demand and shall contain the particulars contained in Appendix 1 to 37.025 and any other particulars prescribed by the Authority.
- (b) Every application for a licence shall be signed by the person applying for the licence and if made by a corporate body or partnership firm shall be signed by a person authorized in that behalf by such body or by a partner of the partnership firm.
- (c) Every application for a licence, other than a licence to remain in force for a period not exceeding seven days, shall be sent to the Authority so as to reach it on a date not less than ninety days, and for a licence to remain in force for a period not exceeding seven days on a date not less than three days, before the date on which it is desired that the licence shall take effect, but the Authority may accept and deal with any application for a licence received by it after the specified date.
- (d) Where an application is made to the Authority for a licence to remain in force for a period not exceeding seven days, and the Authority is satisfied that it is in the public interest, that the application should be determined with expedition, it may so determine the application and grant a licence accordingly.

**37.030 GRANT OF LICENCE**

- (a) An application shall be granted and a licence issued or amended if the applicant satisfies the Authority that—
  - (1) the air service will be operated in a safe and reliable manner;
  - (2) if he is a natural person, he is a citizen or resident of East African Community or if not a natural person, is incorporated in the East African Community and 51% of the voting rights in respect of such person is held by citizens and/or residents of the East African

## **CIVIL AVIATION REGULATIONS**

Community;

- (3) is duly registered under the applicable laws of the Republic of Rwanda
- (4) the aircraft which will be used in operating the air service shall be registered in any of the East Africa Community Partner States, and
- (5) The Authority may, after considering an application, accept such other foreign registered aircraft subject to the conditions deemed fit regarding the operations and maintenance of the aircraft concerned.

### **37.035 CONDITIONS ATTACHED TO LICENCE FOR DOMESTIC SCHEDULED AIR SERVICES**

- (a) An undertaking whose principal place of business is within Rwanda shall establish a scheduled air service within Rwanda if it is licensed and meets the following requirements—
  - (1) has reservation premises and facilities for ticket sales in each area to be served;
  - (2) have toilet facilities on board aircraft operating on a sector with duration of 90 minutes or more flight time;
  - (3) submits flight timetable for approval by the Authority and adheres to it;
  - (4) files regular traffic statistics including tariffs;
  - (5) has qualified for self-passenger handling or has engaged a qualified passenger handling entity at each airport of operation;
  - (6) produces business plan for proposed routes;
  - (7) has acceptable staffing levels, organization structure and training programme; provided that—
    - (i) ownership of aircraft shall not be a condition for establishing a scheduled air service but aircraft used by an air carrier shall be registered in Rwanda unless otherwise expressly authorized by the Authority.
    - (ii) in case of a leased aircraft, the agreement must be for a minimum duration of six months.

### **37.040 CONDITIONS ATTACHED TO LICENCE FOR DOMESTIC AIR SERVICE**

- (a) The Authority may attach to a licence any condition which it considers desirable in the public interest, in the interest of safety, or in order to prevent uneconomic competition, and may impose conditions—
  - (1) that the aircraft to be operated under the licence shall or shall not be used over specified routes or in specified areas;
  - (2) that certain classes or descriptions of passengers or goods shall or shall not be carried;
  - (3) that passengers or goods shall be carried between specified places;
  - (4) that intermediate landings may or shall be made at specified places for the purpose of landing or loading passengers or goods;
  - (5) that the schedule of air services from time to time approved by the Authority shall be observed;
  - (6) as to the number and type of aircraft to be used;
  - (7) limiting the loading of an aircraft over the whole or any portion of the route on which it is to be operated;
  - (8) specifying any charges that may be made for the air service;
  - (9) as to the conditions and hours of employment of any person employed in connection with the air service.
- (b) It shall be a condition of every licence that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall refuse booking facilities to any other holder of a licence or shall refuse booking facilities to any other holder of a licence or shall grant such facilities to such other holder only on onerous terms.

- (c) The Authority may where one air carrier licensed by it has started to operate a scheduled passenger air service with aircraft of no more than 80 revenue seats on a new route between airports in Rwanda with a capacity not exceeding 30,000 seats per year, refuse a scheduled air service by another air carrier for a period of 2 years. 37.045 MATTERS TO BE TAKEN INTO ACCOUNT

**37.045 MATTERS TO BE TAKEN INTO ACCOUNT**

- (a) In exercising its discretion under Regulation 37.030, the Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities and in particular the Authority shall have regard to the following matters—
- (1) the existence of other air services in the area through which the proposed air service is to be operated;
  - (2) the possibilities of air transport in that area;
  - (3) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
  - (4) the period for which such services have been operated by the applicant or by other operators;
  - (5) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
  - (6) the financial resources of the applicant;
  - (7) the type of aircraft proposed to be used on the service;
- the competence of the applicant, having regard to his previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified.

**37.050 UNIVERSAL SERVICE OBLIGATIONS**

- (a) The Authority may, after consultation with the Minister with regard to incentives thereof and after having informed air carriers operating on a route, include in an air service licence a universal service obligation in respect of scheduled air services to an airport serving a peripheral region in Rwanda or on a thin route to any regional airport in Rwanda, any such route being considered vital for—
- (1) the availability of services to all consumers including low income, rural and disadvantaged passengers and shippers; and
  - (2) economic development of the region in which the airport is located,
- to the extent necessary to ensure on that route the adequate provision of scheduled air services satisfying fixed standards of continuity, regularity, capacity and pricing, which standards air carriers would not assume if they were solely considering their commercial interest.
- (b) The adequacy of scheduled air service shall be assessed by the Authority having regard to—
- (1) the public interest;
  - (2) the possibility, in particular for the regions, of having recourse to other forms of transport and the ability of such forms to meet the transport needs under consideration;
  - (3) the airfares and conditions which can be quoted to users; and
  - (4) the combined effect of all air carriers operating or intending to operate on the route.
- (c) In instances where other forms of transport cannot ensure an adequate and uninterrupted service, the Authority may include in the universal service obligation the requirement that



## CIVIL AVIATION REGULATIONS

any air carrier intending to operate the route gives a guarantee that it will operate the route for certain period, to be specified, in accordance with the other terms of the universal service obligation.

- (d) If no air carrier has commenced or is about to commence scheduled air service on a route in accordance with the universal service obligation which has been imposed on that route, then the Authority may limit access to that route to only one air carrier for a period of up to three years, after which the situation shall be reviewed.
- (e) If the route is to be operated by a private undertaking or a person, the right to operate such services shall be offered by public tender either singly or for a group of such routes to air carrier entitled to operate such services.
- (f) The capacity limitations shall not apply to air services covered by this Regulation.

*The Remainder of This Page Intentionally Left Blank*

**SUBPART C: LICENSING OF INTERNATIONAL AIR SERVICE**

**37.055 INTERNATIONAL AIR SERVICES TO BE LICENSED**

- (a) No person shall use an aircraft for the provision of any international air service, to, from or in transit through, Rwanda, except under and in accordance with the terms and conditions of a licence or authorization granted and issued to the person.
- (b) Notwithstanding the provisions of paragraph (a), no licence shall be required in respect of an international scheduled air transport service operated by an airline of another State under and in accordance with—
  - (1) any bilateral or multilateral agreement concluded between the Government of Rwanda and such other State or States; and
  - (2) the requirements of Regulation 20.001 of the Civil Aviation (Foreign Operators) Regulations.
- (c) International scheduled air transport service established under such bilateral or multilateral agreement or arrangement shall remain valid only while the relevant agreement or arrangement remains in force and the Authority may amend, suspend or revoke the operating authorization only in accordance with the terms and conditions of that agreement or arrangement.
- (d) An undertaking whose principal place of business is within Rwanda shall not establish a scheduled air transport service between Rwanda and any State or territory except under and in accordance with the terms and conditions of a licence granted and issued to the undertaking.
  - (e) An application for such a licence shall contain the particulars set out in paragraph (1) of Appendix 1 to 37.030 and any other particulars prescribed by the Authority.
- (f) An undertaking whose principal place of business is within Rwanda shall not be designated in order to establish a scheduled air transport service between Rwanda and any other State or territory except if—
  - (1) he is a natural person; he is a citizen or resident of Rwanda; or
  - (2) not a natural person, is incorporated in Rwanda and 51% of the voting rights in respect of such person are held by citizens and/or residents of Rwanda;
 

provided that if an applicable bilateral or multilateral agreement provides otherwise, the bilateral or multilateral agreement shall prevail.

**37.060 LICENCE FOR INTERNATIONAL SCHEDULED AIR SERVICE**

- (a) A licence for international scheduled air service shall be granted subject to the provisions of these Regulations, if the applicant satisfies the Authority that—
  - (1) it is able to meet the requirements of the Authority for an air operator's certificate for the type of service and category of aircraft;
  - (2) it has interlining and co-operative arrangements with other air carriers on the established route network;
  - (3) it is a member of IATA (International Air Transport Airlines Association) and is connected to a Computer Reservations System;
  - (4) it meets the requirements of any law relating to safety, security, public health, environmental protection and business operations in general;
  - (5) it has duly been designated for the service by the Minister or by the entity designated by him.

**37.065 NON-SCHEDULED FLIGHT BY FOREIGN AIRCRAFT NOT POSSESSING NATIONALITY OF A CONTRACTING STATE**

- (a) A foreign aircraft which does not possess the nationality of a Contracting State shall not fly in

## **CIVIL AVIATION REGULATIONS**

transit nonstop across Rwanda or land in Rwanda for non-traffic purposes in the course of a non-scheduled flight except in accordance with the provisions of a licence or permission issued in accordance with—

- (1) these Regulations;
  - (2) the requirements of Regulation 20.001; and
  - (3) the requirements of Regulation 11.001.
- (b) In granting a licence or permission under paragraph (a), the Authority may impose such conditions and requirements as to the flight as it thinks fit, including such conditions and requirements as it considers necessary to ensure compliance with the general principles contained in the Chicago Convention, and the aircraft shall comply with such conditions and requirements

### **37.070 NON-SCHEDULED FLIGHT BY FOREIGN OPERATORS**

- (a) Subject to the Civil Aviation (Aerial Work) Regulations, an aircraft which possesses the nationality of a Contracting State may, subject to observance of the terms of the Chicago Convention and the provisions of any written law, fly in transit non-stop across Rwanda or land in Rwanda for non-traffic aircraft possessing nationality of a Contracting State purposes, in the course of a non-scheduled flight, without the necessity of obtaining a licence but the Authority may refuse to grant any of the rights specified in this paragraph.
- (b) Where an aircraft which possesses the nationality of a Contracting State makes a non-scheduled flight into Rwanda it shall not take on or discharge passengers, cargo or mail in Rwanda (being passengers, cargo or mail that has been, or is to be carried for reward) except in accordance with a licence or permission issued under these Regulations and the Civil Aviation (Foreign Operators) Regulations.
- (c) The Authority shall cause to be published in an aeronautical information publication or aeronautical information circular or notice to airmen the procedure to be followed and the particulars to be supplied by applicants and the applicable fee for a licence or permit referred to in this Regulation.
- (d) In considering an application for a licence or permit referred to in paragraph (b) the Authority shall have regard to—
- (1) the public interest;
  - (2) the need to provide reasonable protection for the operators of scheduled air services between Rwanda and other States so as to ensure the maintenance of regular air services for the carriage of passengers, cargo and mail between Rwanda and other States; and
  - (3) any resolution or decision of the International Civil Aviation Organization approved by Rwanda or of the International Air Transport Association that has been approved by the Authority and is relevant to the matter.
- (e) The Authority in granting a licence or permit referred to in paragraph (b) may attach such conditions thereto as it sees fit.
- (f) Notwithstanding anything contained in the provisions of this regulation, where it appears to the Authority that an aircraft which possesses the nationality of a Contracting State is intended in the course of a non-scheduled flight over Rwanda to proceed over regions which are without adequate air navigation facilities of safety, direct that the aircraft shall follow an established air route that the flight shall be conducted in accordance with such conditions as he may require and the aircraft shall comply with such direction.

### **37.075 MATTERS TO BE TAKEN INTO ACCOUNT**

- (a) An application shall be granted or a permit issued or a licence varied, subject to the provisions of these regulations, if the applicant satisfies the Authority that—

## CIVIL AVIATION REGULATIONS

- (1) the international air service concerned will be operated in such a manner that it will in all material respect, comply with the applicable international conventions which have been implemented in Rwanda;
- (2) the applicant is fit and able to operate the international air service and the Authority may require the applicant to submit any of the prescribed documents in support hereof;
- (3) the applicant is in possession of a valid foreign licence which pertains to the international air service for which application is being made and which has been granted to the applicant by the appropriate authority in any State or territory from which such international air service will be operated;
- (4) benefits may arise from the provision of an air service over the same route by two or more air service operators;
- (5) the proposed air service will not contravene any provision of any air service agreement in force and having a bearing on the application;

### **37.080 CONDITIONS ATTACHED TO LICENCES FOR INTERNATIONAL AIR SERVICE**

- (a) An applicant who has been granted and issued with a licence or authorization or variation thereof to operate international air service by the Authority shall—
  - (1) not take on any passengers, cargo or mail at any point in service Rwanda, for discharge at any other point in Rwanda, except those passengers who, or cargo or mail which, he originally brought into Rwanda on the same flight;
  - (2) furnish the Authority with any statistics which may be requested by the Authority, within 30 days after the date of request;
  - (3) have sufficient and appropriate experience in the operation of the air service concerned;
  - (4) make the necessary arrangements so that the specific flights to be undertaken in the operation of the air service can be accommodated at the terminal airport in Rwanda at the time of arrival and departure;
  - (5) for inclusive tour charters, transport only passengers who are part of an inclusive tour, unless the Authority specifically authorizes transport of other certain passengers;
  - (6) for non-scheduled air service for carrying passengers, cargo or mail or combination thereof between Rwanda and another State or territory, not cause unreasonable economic overlapping with established scheduled air service operated between Rwanda and the other State or territory.

*The Remainder of This Page Intentionally Left Blank*

## CIVIL AVIATION REGULATIONS

### SUBPART D: GENERAL PROVISIONS RELATING TO LICENCES

#### 37.085 FINANCIAL FITNESS

- (a) An applicant for an air service licence to be granted for the first time and whose principal place of business and place of registration is within Rwanda must be able to demonstrate to the reasonable satisfaction of the Authority that he—
  - (1) can meet at any time its actual and potential obligations, established under realistic assumptions, for a period of 24 months from the start of operations; and
  - (2) can meet its fixed and operational costs incurred from operations according to its business plan and established under realistic assumptions, for a period of three months from the start of operations without relying on revenue generated by the operations.
- (b) For the purpose of paragraph (a), each applicant shall submit a business plan for, at least, the first two years of operation, which shall also detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings;
- (c) The applicant shall also provide all relevant information, in particular the data referred to in paragraph (a) of the Appendix 1 to 37.085, and any other information prescribed by the Authority.
- (d) In respect of air carriers of other States, the Authority shall accept as sufficient evidence, unless otherwise proved to the contrary, the production of licences, certificates and documents issued by competent authorities in the States of origin regarding the competence, technical and financial fitness of the air carriers.
- (e) An air carrier whose principal place of business and place of registration is within Rwanda shall provide to the Authority every financial year without undue delay the audited accounts relating to the previous financial year.
- (f) Upon request by the Authority, an air carrier shall provide the information relevant for the purposes of paragraph (d), and in particular the data referred to in paragraph (c) of the Appendix 1 to 37.085, and any other information prescribed by the Authority.
- (g) Paragraphs (a), (b) and (c) shall not apply to air carriers exclusively engaged in operations with aircraft of less than ten tonnes MTOW (maximum take-off weight) and/or less than twenty seats; such air carriers shall at all times be able to demonstrate that their net capital is at least fifty million (50,000,000) Francs or to provide when required by the Authority the information relevant for the purposes of paragraph (f).
- (h) The Authority may apply the provisions of paragraphs (a), (b), (c), (d) and (f) to air carriers licensed by it that operate scheduled air service or whose turnover exceeds twenty billion (20,000,000,000) Francs per year.

#### 37.090 DIRECTORS INTEGRITY

- (a) The Authority may require, for the purpose of issuing an air service licence, proof that the persons who will continuously and effectively control the operations of the undertaking are of good repute or that they have not been declared bankrupt;
- (b) The Authority shall accept as sufficient evidence in respect of nationals of other States the production of documents issued by competent authorities in the States of origin or the State from which the foreign national comes showing that those requirements are met.
  - (1) Where the competent authorities of the State of origin or of the State from which the foreign national comes do not issue the documents referred to in the paragraph (a), such documents shall be replaced by a declaration on oath or, where there is no provision for

## CIVIL AVIATION REGULATIONS

declaration on oath, by a solemn declaration – made by the person concerned before a competent judicial or administrative officer or, where appropriate, a notary or qualified professional body of the State of origin or the State from which the person comes;

- (2) such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

### **37.095 NOTIFICATION OF OPERATIONAL & ORGANIZATIONAL CHANGES**

- (a) An air carrier shall notify in advance the Authority plans for—
  - (1) operation of a new scheduled service or a non-scheduled service to a region not previously served;
  - (2) changes in the type or number of aircraft used or a substantial change in the scale of its activities; and
  - (3) any intended mergers or acquisitions or franchises.
- (b) An air carrier shall notify the Authority within fourteen days of any change in the ownership of any single shareholding which represents 10% or more of the total shareholding of the air carrier or of its parent or ultimate holding company.
- (c) The submission of a 12 months' business plan two months in advance of the period to which it refers shall constitute sufficient notice under this regulation for the purpose of changes to current operations and/or circumstance which are included in that business plan.
- (d) If the Authority deems the changes notified under paragraph (b) to have a significant bearing on the finances of the air carrier, it shall require the submission of an application to revise the licence and upon request by the Authority, an air carrier shall provide the information relevant for the purposes of this regulation, and in particular the data referred to in paragraph (b) of the Appendix 1 to 37.085, and any other information prescribed by the Authority.

### **37.100 OWNED OR LEASED AIRCRAFT**

- (a) Ownership of aircraft shall not be a condition for granting or maintaining a licence but the Authority shall require, in relation to air carriers licensed by it that they have one or more aircraft at their disposal and operational control, through ownership or appropriate form of lease agreement.
- (b) Without prejudice to paragraph (a), aircraft used by an air carrier shall be registered in its national register.
- (c) In the case of short-term aircraft lease agreements to meet temporary needs of the air carrier or otherwise in exceptional circumstances, the Authority may grant waivers to the requirement of the paragraphs.

### **37.105 AIRCRAFT LEASE APPROVAL**

- (a) For the purposes of ensuring safety and liability standards an air carrier using an aircraft from another undertaking or providing it to another undertaking shall obtain prior approval for the operation from the Authority;
- (b) The conditions of the approval shall be part of the lease agreement between the parties.
- (c) The Authority shall not approve agreements leasing aircraft with crew to an air carrier to which it has granted an air service licence unless safety standards equivalent to those imposed under the requirement for a valid air operator certificate are met.

### **37.110 VALID AOC A REQUIREMENT**

- (a) The validity at any time of an air service licence shall be dependent upon the possession of a valid air operator certificate specifying the activities covered by the air service licence

## **CIVIL AVIATION REGULATIONS**

### **37.115 REASONS FOR DECISION**

- (a) In any case in which the Authority refuses to grant or amend a licence or grants or amends a licence which differs from the licence or variation for which application has been made, or imposes conditions to which the applicant objects, the Authority, shall, if required by the applicant so to do, state in writing the reasons for its decision upon the payment of the applicable fee as may be notified from time to time; provided that where the reasons for the decision relate to matters of national safety and security, the Authority shall not be obliged to disclose the same.

### **37.120 CONDITIONS FOR ISSUE OF LICENCE**

- (a) A licence shall be issued on condition that—
- (1) the licensee shall not commence or continue with an air service, unless he is in possession of a valid air operator certificate issued by the Authority or competent authority of another State and acceptable by the Authority;
  - (2) the licensee shall commence with the air service and the operation of that air service shall not be interrupted for a period exceeding six conservative months;
  - (3) the licence shall lapse as soon as the estate of the licensee is sequestrated or wound up as the case may be; and
  - (4) the licensee is insured as prescribed in relation to the type of air service and the category of aircraft prescribed on the licence and in respect of 3rd party liability insurance.
- (b) It shall be a condition of every licence that the requirements of any law relating to aviation for the time being in force in Rwanda and of any air traffic control procedure for the time being in force in Rwanda shall be complied with at all times during the currency of the licence in connection with all flights performed under the licence.
- (c) The right to embark and disembark air traffic within Rwanda shall be subject to national laws and rules relating to safety, security, and protection of the environment, customs, immigration and public health.

### **37.125 SIX MONTH LAPSE**

- (a) When an air carrier has ceased operations for six consecutive months or has not started operations for six consecutive months after the granting of a licence, the licensee shall resubmit its application for approval by the Authority and operations may commence according to the directions given by the Authority.

### **37.130 INSOLVENCY**

- (a) An air carrier against which insolvency or similar proceedings are opened shall not be permitted by the Authority to retain its licence if the Authority is convinced that there is no realistic prospect of a satisfactory financial reconstruction within a reasonable time.

### **37.135 AMENDMENT, VARIATION, SUSPENSION OR REVOCATION OF LICENCE**

- (a) The Authority may, during the currency of a licence, of its own motion or on the application of the holder of the licence, vary or revoke any of the terms or conditions of the licence or add any new terms and conditions which it may consider necessary.
- (b) The Authority may, at any time and in any event whenever there are clear indications that problems exist with an air carrier licensed by it and whose principal place of business and place of registration is within Rwanda, assess its financial performance and may suspend or revoke the licence if the Authority is no longer satisfied that the air carrier can meet its actual and potential obligations for a twelve-months period.
- (c) A licence may also be revoked or suspended by the Authority on the ground—

- (1) that the licence holder has been convicted of an offence under Regulation 37.080 in respect of his licence; or
  - (2) that any condition subject to which the licence was granted has not been observed.
- (d) The Authority may amend a licence to correct errors of administrative nature during the currency of a licence.
- (e) The Authority shall not vary, revoke or suspend the licence or terms or conditions of the licence unless satisfied that, having regard to the fact constituting the offence under these Regulations, or necessitating the variation, or revocation of terms or conditions, or owing to the frequency of the failures on the part of the holder to comply with conditions or to the failure having been willful, the licence should be varied, revoked or suspended.

**37.140 ACTION TO VARY, SUSPEND OR REVOKE LICENCE**

- (a) The Authority may—
- (1) direct a licensee to comply with such conditions as it may specify within the period determined by the Authority; or
  - (2) vary the licence concerned; or
  - (3) suspend the licence concerned for a period not exceeding two years; or
  - (4) cancel the licence concerned.
- (b) In any case where a licence is revoked or suspended the Authority shall, if required by the holder of the licence to do so, state in writing the reasons for its decision.

**37.145 PROVISIONAL LICENCE**

- (a) The Authority may consider a request to grant and issue a temporary licence immediately after the receipt of, and pending determination of an application for a licence, for a period that it may determine but for the period not exceeding 90 days.
- (b) There shall be paid in respect of the grant of a provisional licence the fee as shall be notified by the Authority in respect of each type of air service for a category of aircraft.

**37.150 GRANT & DURATION OF LICENCE**

- (a) The Authority may grant licences in accordance with the provisions of these Regulations and such licences shall, subject to Regulation 37.135, continue in force for such period, not exceeding seven years from the date on which any licence is expressed to take effect, as may be specified by the Authority, provided that if, on the date of the expiration of a licence, an application has been made for the grant of a new licence in substitution for the existing licence held by the applicant, such existing licence shall continue to be in force until such application has been determined.
- (b) A licence shall lapse as soon as the estate of the licensee is sequestrated or wound up as the case may be.

**37.155 CONDITIONS, LIMITATIONS OR REFUSAL TO EXERCISE TRAFFIC RIGHTS**

- (a) When physical constraints or environmental problems exist, the Authority may, subject to this Regulation, impose conditions, limit or refuse the exercise of traffic rights in particular when other modes of transport can provide satisfactory levels of service.
- (b) Action taken by the Authority in accordance with paragraph (a) shall—
- (1) be non discriminatory on grounds of identity of air carriers;
  - (2) have a limited period of validity, not exceeding three years, after which it shall be reviewed;
  - (3) not unduly affect the objectives of these Regulations;
  - (4) not distort competition between air carriers; and
  - (5) not be more restrictive than necessary in order to relieve the problems.



## **CIVIL AVIATION REGULATIONS**

### **37.160 FORM OF LICENCE**

- (a) A licence and an operating authorization shall be in such form as the Authority considers suitable to meet the requirements of any particular application approved by the Authority and, if the Authority considers it convenient, it may grant to the operator of more than one service a licence or operating authorization in a consolidated form.
- (b) Where a licence is granted in a consolidated form, the provisions of these Regulations relating to the payment of fees and to the imposition and variation of conditions shall apply in respect of each separate service authorized under the licence as if the licence in its application to that service were a separate licence.

### **37.165 TRANSFER OF LICENCE**

- (a) A licence shall not be capable of being transferred or assigned; but in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence, or of the appointment of a receiver or manager or trustee in relation to the business of the holder, the person for the time being carrying on that business shall, if within fourteen days application is made for a new licence, be entitled to perform the air service authorized by the licence subject to the conditions and the obligations thereof until the application is determined.

### **37.170 CONFIDENTIAL INFORMATION**

- (a) Nothing in these Regulations shall require a disclosure by the applicant for a licence to any person, other than the Authority, of information as to his financial resources, and any such information received by the Authority from an applicant shall be treated as confidential.

### **37.175 CARRIAGE OF MAIL**

- (a) The holder of a licence shall perform all such reasonable services as the Iposita Department of Rwanda may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon air services operated under the licence.
- (b) The remuneration for any services performed in pursuance of this regulation shall be such as may from time to time be determined by agreement between the Iposita Department of Rwanda and the licence holder.

### **37.180 RETURNS**

- (a) The holder of a licence or operating authorization shall make a monthly return in writing to the Authority giving, in respect of the month to which the return relates, the particulars set out in the Appendix 1 to 37.180 with regard to all air services authorized by the licence or operating authorization, and any other particulars that the Authority may prescribe.
- (b) The returns to be made in accordance with paragraph (a) shall be sent to the Authority not later than two months after the expiration of the month to which the return relates.

### **37.185 SURRENDER & CANCELLATION OF LICENCE**

- (a) In the event of the holder of a licence ceasing to operate the air service authorized thereby he shall forthwith notify the Authority and return the licence to it for cancellation; provided that where, owing to the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or to the appointment of a receiver or manager or trustee in relation to the business of the holder, he ceases to operate the air service authorized by the licence, then if the business of the holder is being carried on by some other person, that person shall forthwith notify the Authority and unless application has been made within fourteen days for a new licence, shall return the licence to it for cancellation.
- (b) A licence may at any time be surrendered by the holder to the Authority for cancellation.

- (c) If a licence ceases to have effect, otherwise than by the effluxion of time, or is suspended or revoked, the holder thereof shall send or deliver the licence to the Authority for retention during the time of suspension or cancellation, and the Authority shall on the removal of a suspension return the licence to the holder.

**37.190 RECORDS**

- (a) The Authority shall keep a record of all applications for licences showing whether the licence was granted or refused, and an entry shall be made in such record whenever a licence is revoked or suspended or expired and the record shall contain such particulars as will enable the application to be identified and shall show—
  - (1) the date from which any licence is expressed to operate;
  - (2) the date on which it is expressed to expire;
  - (3) any condition attached to the licence under the provisions of these Regulations;
  - (4) in the case of a scheduled air service, the terminal places and the intermediate landing places to which the application relates; and
  - (5) in the case of an air service other than a scheduled air service, a detailed description of the type of air service and the area of operation.
- (b) In this regulation the term licence includes operating authorization.

**37.195 PASSENGER MANIFESTS**

- (a) The holder of a licence shall before each flight compile or cause to be compiled a passenger list in respect of the flight and shall keep such list in a safe place for a period of at least 12 months as from the date on which the flight to which it relates has taken place.
- (b) A passenger list compiled in terms of paragraph (a) shall at least contain the name of each passenger.
- (c) On the written request of the Authority, a licensee shall, subject to the provisions of paragraph (a), forthwith furnish Authority with copies of any passenger lists compiled by the licensee for such period as may be determined by the Authority.

**37.200 INSURANCE**

- (a) No licensee shall operate a domestic air service or an international air service unless, for every accident or incident related to the operation of that service, it has—
  - (1) liability insurance covering risks of injury to or death of passengers, damage to or loss of luggage and cargo in an amount that is not less than the amount determined in Appendix 1 to 37.200; and
  - (2) insurance covering risks of third party liability in an amount that is not less than the amount determined in Appendix 1 to 37.200.
- (b) The insurance coverage required by paragraph (a)(1) need not extend to any passenger who is an employee of an air carrier if workers' compensation legislation governing a claim for damages against that air carrier by the employee is applicable.
- (c) No licensee shall take out liability insurance to comply with paragraph (a) that contains an exclusion or waiver provision reducing insurance coverage for any accident or incident below the applicable minima determined pursuant to that paragraph, unless that provision
  - (1) consists of standard exclusion clauses adopted by the international aviation insurance industry dealing with—
    - (i) war, hijacking and other perils,
    - (ii) noise and pollution and other perils, or
    - (iii) aviation radioactive contamination;
  - (2) is in respect of chemical drift;
  - (3) is to the effect that the insurance does not apply to liability assumed by the air carrier under any contract or agreement unless such liability would have attached to the air

## CIVIL AVIATION REGULATIONS

- carrier even in the absence of such contract or agreement; or
- (4) is to the effect that the entire policy shall be void if the air carrier has concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof or if there has been any fraud, attempted fraud or false statement by the air carrier touching any matter relating to the insurance or the subject thereof, whether before or after a loss.
- (d) An air carrier may have a comprehensive single limit liability coverage where liability risks are covered by a single policy or a combination of primary and excess policies, but no single limit liability coverage of that air carrier shall be for an amount that is less than the applicable combined insurance minima determined pursuant to paragraphs (a)(1) and (2).
- (e) Every applicant for a licence or for an amendment to or renewal of a licence, and every licensee, shall file with the Authority, in respect of the service to be provided or being provided, as the case may be, a valid certificate of insurance in the form set out in Appendix 2 to 37.200.
- (f) A person referred to in paragraph (e) who files a certificate of insurance electronically shall, on the request of the Authority, file forthwith a certified true copy of the certificate.

*The Remainder of This Page Intentionally Left Blank*

**SUBPART E: PROVISIONS FOR FRANCHISING IN AIR TRANSPORT****37.205 FRANCHISEE TO BE LICENCED**

- (a) No airline registered in Rwanda shall operate as a franchisee or enter into a franchise agreement except under and in accordance with the terms of a franchise license granted by the Authority in accordance with these Regulations.

**37.210 FOREIGN FRANCHISEE**

- (a) No foreign registered airline shall operate as a franchisee within Rwanda except under and in accordance with the terms of a franchise licence granted by the Authority in accordance with these Regulations.

**37.215 CONDITION FOR FRANCHISING**

- (a) It shall be a condition to the grant of a franchise licence that the prospective franchisee and the prospective franchisor shall be a holder of, in the case of an airline registered in Rwanda, an air service licence and in the case of a foreign registered airline, an operating authorization issued in accordance with these Regulations.

**37.220 APPLICATION FOR FRANCHISE LICENCE**

- (a) Every application for a franchise licence shall be made to the Authority and shall contain the particulars of Appendix 1 of 37.220 and those prescribed by the Authority.
- (b) The Authority may grant franchise licences in accordance with these Regulations and impose such conditions as the Authority may deem appropriate.
- (c) In exercising its discretion, the Authority shall have regard to all relevant factors including—
  - (1) the need to ensure safety in air transport;
  - (2) the need to protect the interests and welfare of the public; and
  - (3) the prevention of unfair competition.

**37.225 DISCLOSURE OF INFORMATION OF FRANCHISE**

- (a) The disclosure document shall be updated within (60) days of the end of the franchisors fiscal year.
- (b) Where there has been a material change in the information required to be disclosed under the Appendix 1 to 37.225 the disclosure document shall be updated within (30) days of the occurrence of that material change.
- (c) If the disclosure document contains a misrepresentation of a material fact or if there is an omission of a material fact required to be disclosed under the Appendix 1 to 37.225 the Authority without prejudice to any other action may revoke or suspended the franchise license.
- (d) The franchisee shall ensure that every marketing, promotional and/or advertisement of its business shall contain a clear, unequivocal and prominent disclosure that the franchisee is the actual operator.
- (e) The franchisee shall cause to be disclosed to the public at the time of booking, ticketing, check-in and in the aircraft the identity of the actual operator of the flight.

**37.230 STANDARDS FOR FRANCHISE**

- (a) Whenever the Conditions of Carriage for the franchisor contain more favorable terms to a passenger/ shipper than the Conditions of Carriage of the franchisee, then those favorable terms in the conditions of carriage of the franchisor (including liability limitation) shall apply to operations by the franchisee.

## **CIVIL AVIATION REGULATIONS**

### **37.235 RETROSPECTIVE APPLICATION**

- (a) Airlines that already operate a franchise prior to the publication of these Regulations shall within a period of twelve months of the coming into effect of these Regulations apply to the Authority for grant of a franchise licence in accordance with these Regulations.

### **37.240 CONTENT OF FRANCHISE AGREEMENT**

- (a) The franchise arrangement shall be subject to the existing competition policy, rules and legislation as may be amended or modified from time to time provided that the Authority may approve the franchise if the public interest benefits of the arrangement outweigh the possible loss of competition.
- (b) All franchise agreements involving foreign franchisors and local franchisees shall have a provision therein to the effect that the terms of such agreements shall be governed by the laws of Rwanda.

### **37.245 NO CABOTAGE IN FRANCHISE OPERATION**

- (a) The approval of a franchise operation involving a foreign franchisor and local franchisee shall not imply in any way that the franchisor is licensed to operate domestic services between any such two points within Rwanda.

*The remainder of This Page Intentionally Left Blank*

**SUBPART F: TARIFFS & COMPETITION****37.250 APPROVAL OF TARIFFS**

- (a) Except if exempted by any bilateral or multilateral air services agreement to which Rwanda is a party or by a permission of the Minister granted under the Civil Aviation (Commercial Air Transport Operations by Foreign Air Operator in and out of Rwanda) Regulations, undertakings entrusted with the provision of air service shall submit their tariffs for approval at least thirty working days prior to the proposed date of application.
- (b) The Authority shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it; in case no disapproval is issued, after expiry of thirty working days after submission of proposal, approval shall be presumed.
- (c) A decrease in tariff shall be applied without need for approval, except if otherwise prescribed in any bilateral or multilateral air services agreement to which Rwanda is a party.
- (d) In considering request for approval of tariff, the Authority shall prevent application of tariffs that may be discriminatory, excessively high or low due to abuse of dominant position or due to direct or indirect State subsidy.
- (e) For the purposes of this regulation, "tariff" means a condition as to any of the following matters—
  - (1) the price to be charged for the carriage of passengers, baggage or cargo on flights;
  - (2) any additional goods, services or other benefits to be provided in connection with such carriage;
  - (3) the prices, if any, to be charged for any such additional goods, services or benefits; and
  - (4) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

**37.255 COMPATIBLE WITH UNIVERSAL SERVICE OBLIGATION**

- (a) Undertakings entrusted with the operation of services of general economic interest or having the character of revenue producing monopoly shall be subject to the provisions for fair competition in so far as the application of such provisions do not obstruct the performance, in law and in fact, for the particular tasks assigned to them and the development of air services trade must not be affected to such an extent as would be contrary to the public interest.

**37.260 JURISDICTION OF AUTHORITY**

- (a) The Authority shall have jurisdiction to review agreements, decisions or practices that may affect competition in air service and may examine books, other business records, take copies from extracts, ask for oral explanations and enter any premises, land and aircraft used by concerned parties.

*The Remainder of This Page Intentionally Left Blank*

## CIVIL AVIATION REGULATIONS

### APPENDICES

#### APPENDIX 1 TO 37.003.- SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS

This Appendix contains a summary of all amendments and revision highlights to this Part since the issuance of the original regulation.

Amended Regulation	Source of Amendment	Revision	Description of Revision
37.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Inserted a new summary of Amendments and Highlight of Revisions.
Appendix 1 to 37.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Added a new Appendix providing details to the summary of Amendments and Highlight of Revisions.

*New: Internal: Special Regulation RSR/01/2020: Effective 15 November 2020*

#### APPENDIX 1 TO 37.030: PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN APPLICATION FOR A LICENCE

##### 1. SCHEDULED AIR SERVICES

- (1) Name and address of applicant, nationality of applicant,
- (2) Names of places between which the air service is to be operated
- (3) Names of the regular stage stopping places for the purpose of taking on or setting down passengers, or goods
- (4) Times and frequencies of air service
- (5) Number and type or types of aircraft to be used.
- (6) Type of load to be carried.
- (7) Maximum and minimum fares to be charged to passengers or for goods in respect of the total journey or any portion of the journey for which separate charges are made.
- (8) Date of commencement of air service
- (9) Period for which licence is required.
- (10) If air service is already in operation—
  - (i) period for which the air service has been operated;
  - (ii) details as per monthly return for a period of operation or last 12 months, whichever be the less.
- (11) List of other air services operated by the applicant at the time of application, past and present.
- (12) Particulars of any working arrangement with any other company operating an air service.
- (13) Particulars or any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
- (14) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
  - (i) the nominal and issued capital;
  - (ii) the names and nationality of the directors;
  - (iii) the names and state of incorporations of any other companies holding shares in the applicant's business;
  - (iv) the names and state of incorporation of any subsidiary companies of the applicant.

##### 2. CHARTER & AERIAL WORK, OTHER THAN SCHEDULED AIR SERVICES &

**INSTRUCTION**

- (1) Name and address of applicant;
- (2) Numbers and types of aircraft and engines to be used.
- (3) Types of work to be carried out and the areas in which it is proposed to operate each type of service.
- (4) Maximum charges to be made for such type of work.
- (5) Date of commencement of air service.
- (6) Period for which licence is required
- (7) If air service is already in operation—
  - (i) The period for which the air service has been operated;
    - (A) Details as per monthly return for period of operation or last 12 months whichever be the less.
    - (B) List of other air services operated by applicant at the time of application, past and present.
  - (ii) Particulars of working arrangements with other air service companies.
  - (iii) Particulars or any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business or any person who provides such facilities.
  - (iv) The nature of the person making the applicant, whether individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
    - (A) the nominal and issued capital;
    - (B) the names and nationality of the directors;
    - (C) the names and state of incorporation of any other companies holding shares in the applicant's business;
    - (D) the names and state of incorporation of any other subsidiary companies of the applicant.
  - (v) Such particulars of the accounts of the applicant's business during the last 12 months as the Authority shall require.

**3. INSTRUCTIONAL**

- (1) The names and address of applicant;
- (2) The numbers and types of aircraft and engines to be used;
- (3) The types of instruction to be carried out and place where it is proposed to operate;
- (4) Maximum charges to be made for each type of instruction;
- (5) Date of commencement of air service;
- (6) Period for which licence is required;
- (7) If air service is already in operation—
  - (i) Period for which the air service has been operated;
  - (ii) Details as per monthly return for period of operation or last 12 months, whichever be the less.
  - (iii) List of other air services operated by the applicant at the time of application, past and present.
- (8) Particulars of working arrangements with other air service companies.
- (9) Particulars of any financial interest which the applicant has in any other undertaking providing instructional facilities or controlling the business of any person who provides such facilities.
- (10) The nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability, and if a company, public or private—
  - (i) the nominal and issued capital;



## CIVIL AVIATION REGULATIONS

- (ii) the names and nationality of the directors;
  - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business;
  - (iv) the names and state of incorporation of any subsidiary companies of the applicant.
- (11) (l) Such particulars of the accounts for the applicant's business during the last 12 months as the Authority shall require.

### 4. DOCUMENTS TO BE SUBMITTED WITH APPLICATION

- (1) A plan setting out in detail the manner in which the applicant will ensure that a safe and reliable air service is operated.
- (2) A certified true copy of the existing foreign licence held by foreign applicant.
- (3) Certified true copy of the memorandum and articles of association or any other founding document of the applicant.
- (4) A valid guarantee or security of the applicant and insurance policy which may arise from the operation of the air service.
- (5) Any other document in support of the applicant's ability to operate the air service.

### APPENDIX 1 TO 37.085: INFORMATION FOR USE IN ASSOCIATION WITH FINANCIAL FITNESS OF AIR CARRIERS

- (a) Information to be provided by a first-time applicant from a financial fitness point of view—
  - (1) The most recent internal management accounts and, if available, audited accounts for the previous financial year.
  - (2) A projected balance sheet, including profit and loss account, for the following two years.
  - (3) The basis for projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, etc. Traffic/revenue forecasts.
  - (4) Details of the start-up costs incurred in the period from submission of application to commencement of operations and an explanation of how it proposes to finance these costs.
  - (5) Details of existing and projected sources of finance.
  - (6) Details of shareholders, including nationality and type of shares to be held, and the Articles of Association. If part of a group of undertakings, information on the relationship between the group.
  - (7) Projected cash-flow statements and liquidity plans for the first two years of operation
  - (8) Details of the financing of aircraft purchase, leasing including, in the case of leasing, the terms and conditions of contract.
- (b) Information to be provided for assessment of the continuing financial fitness of existing licence holders planning a change in their structures or in their activities with a significant bearing on their finances—
  - (1) If necessary, the most recent internal management balance sheet and audited account for the previous financial year.
  - (2) Precise details of all proposed changes e.g. change of type of service, proposed takeover or merger; modifications in share capital, changes in shareholders, etc.
  - (3) A projected balance sheet, with a profit and loss account, for the current financial year, including all proposed changes in structure or activities with a significant bearing on finances.
  - (4) Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, etc., Traffic/ revenue forecasts.
  - (5) Cash-flow statements and liquidity plans for the following year, including all proposed changes in structure or activities with a significant bearing on finances.

## **CIVIL AVIATION REGULATIONS**

- (6) Details of the financing of aircraft purchase/leasing including, in the case of leasing, the terms and conditions of contract.
- (c) Information to be provided for assessment of the continuing financial fitness of existing licence holders.
  - (1) Audited accounts not later than six months after the end of the relevant period and, if necessary, the most recent internal management balance sheet.
  - (2) A projected balance sheet, including profit and loss account for the forthcoming year.

## CIVIL AVIATION REGULATIONS

### APPENDIX 1 TO 37.180: PARTICULARS TO BE GIVEN BY HOLDER OF LICENCES AND OPERATING AUTHORIZATIONS IN MONTHLY RETURNS (EXCEPT WHERE OTHERWISE SPECIFIED)

#### 1. SCHEDULED AIR SERVICES

- (1) A list of the service numbers of all flights operated giving the names of the places between which services are operated, the names of the regular staging points on the route, the types of aircraft used and the number of flights operated by each type.
- (2) A copy of the current timetable
- (3) A copy of current tariffs
- (4) For services operated under an international airline licence or an operating authorization for each service number—
  - (i) Total passengers, goods and mail, terminating and in transit, arriving in Rwanda by point of discharge within Rwanda (showing in addition the point of discharge of passengers outside Rwanda for each point of uplift)
  - (ii) Total passengers, goods and mail, originating and in transit, departing from Rwanda by point of uplift within Rwanda (showing in additions the point of discharge of passengers outside Rwanda for each point of uplift).
  - (iii) In transit passengers at each staging point in Rwanda on international services not included above, i.e. those whose airports of uplift and discharge are both within Rwanda.
  - (iv) Total number of passenger seats offered and the number filled, on flights arriving in and/or departing from Rwanda.
  - (v) Total capacity of commercial cargo offered and the weight carried on flights arriving in and/or departing from Rwanda.
  - (vi) Total passengers, goods and mail carried only within Rwanda by points of uplift and discharge separately for traffic between each airport in each direction.
- (5) For services operated under an international airline licence and on sectors not wholly within Rwanda—
  - (i) For each staging point outside Rwanda, the passengers, goods and mail in transit.
  - (ii) For each sector—
    - (A) the total passenger-miles offered, and carried; and
    - (B) the total commercial cargo load-miles offered, and carried.
- (6) For services operated under the local licence the following shall be submitted for each period of four weeks commencing 1st January each year, and in for each 13 weeks period throughout the year, the last complete four-week and 13-week periods in the year shall, however, be extended to include 31st December, or for such periods as shall be determined from time to time—
  - (i) By service number—
    - (A) the total passenger-miles offered and carried;
    - (B) the total load miles offered and carried.
  - (ii) The Passengers, goods and mail carried in each direction, between all combinations of staging points.

#### 2. CHARTER, AERIAL WORK & NON-SCHEDULED FLIGHTS

- (1) Numbers and type or types of aircraft and engines operated during the month, actual dates of any changes made to be given.
- (2) Average daily service ability of aircraft complete.
- (3) Total number of miles flown on each class of work.
- (4) Total number of flights made on each class of work.
- (5) Passenger miles and total number of passengers carried.
- (6) Ton-miles and total weight of goods carried.

- (7) Number of flights commenced but not completed, giving cause.
- (8) Total number of requests for air service made.
- (9) Total number of requests for air service made which were not accepted given reasons.
- (10) Number of pilots, navigators, radio operators, flight engineers, stewards, photographers and any other personnel employed on flying duties, and their salaries by grade.
- (11) Copy of current schedule of charges for aerservices.

**3. INSTRUCTIONAL**

- (1) The numbers and types of aircraft and engines operated during the month, the actual dates of any changes to be given.
- (2) The average daily service ability of aircraft complete
- (3) The total number of hours flown;
  - (i) dual instruction; and
  - (ii) solo; and
  - (iii) the total number of hours of not-flying instruction, per type of instruction.
- (4) The total number of flights made;
  - (i) dual instruction;
  - (ii) solo.
- (5) The number of instructors employed and their salaries by grade.
- (6) A copy of the current schedule for instructional charges.
- (7) The total number of pupils under instruction, according to the class of pilot licence for which instruction is being given.
  - (i) The total number of pilot licences, per class, gained during the month.
  - (ii) The total number of pilot licences, per class, held by pupils or members of the club.
  - (iii) The total number of pupils or members.

*The remainder of This Page Intentionally Left Blank*

## CIVIL AVIATION REGULATIONS

### APPENDIX 1 TO 37.200: INSURANCE REQUIREMENTS FOR AIR CARRIERS & AIRCRAFT OPERATORS

- (a) In addition to the 3rd Party requirements listed below, the following minimum insurance covers are required—
- (1) Passengers at 250,000 SDRs per passenger or in respect of non-commercial operations with aircraft with MTOM of less than 2,700 kg, not less than 100,000 SDRs per passenger.
  - (2) Baggage at 1,000 SDRs per passenger.
  - (3) Cargo at 17 SDRs per kg.

CATEGORY	MTOM (KG)	MINIMUM INSURANCE (MILLION SDRs)
1	Up to 499 ^	0.75
2	500 – 999	1.5
3	1,000 - 2,699	3
4	2,700 - 5,999	7
5	6,000 - 11,999	18
6	12,000 - 24,999	80
7	25,000 - 49,999	150
8	50,000 - 199,999	300
9	200,000 - 499,999	500
10	500,000 plus	700

- (b) The minimum combined single limit (CSL) liability cover for each aircraft will be calculated as follows—
- (1) Third (3rd) Party for relevant category (see table)
  - (2) + 250,000 SDRs x maximum number of passengers carried on that aircraft or in respect of noncommercial operations with aircraft with MTOM of less than 2,700 kg, not less than 100,000 SDRs per passenger.
  - (3) + 1,000 SDRs x maximum number of passengers
  - (4) + 17 SDRs x kilograms of cargo carried

*The remainder of this page intentionally left blank*

**APPENDIX 2 TO 37.200: EXAMPLE DOCUMENTATION OF INSURANCE COVERING AIR CARRIER LIABILITY TO PASSENGERS, LUGGAGE, CARGO & THIRD PARTY LIABILITY**

CERTIFICATE OF INSURANCE

(a) This is to certify that—

---



---



---

\_\_\_\_\_ (insurer)(Name, address and participation percentages of insurer or insurers) has/have issued the policies listed in this certificate covering risks of liability to passengers, luggage, cargo and third party liability to

---



---

\_\_\_\_\_ (air carrier) (Name and address of aircarrier) effective from \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year) to \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

- (b) The insurer has assumed, under the policies listed in this certificate, liability insurance covering risks of injury to or death of passengers, damage to or loss of luggage and cargo, and insurance covering risks of third party liability in accordance with the requirements of Regulation 37.200 of the Civil Aviation (Licensing of Air Services) Regulations.
- (c) The air carrier has been insured against the risks described in paragraph (b) for each incident or accident related to the operation of a (a domestic, an international, or domestic and international) service in the following amounts—

Type of Liability	Amount	Policy No
Passenger		
Luggage		
Cargo		
Third Party		
Single limit coverage		

- (d) The policies listed in this certificate insure (fill in the appropriate service in either (1) or (2))—
  - (1) all aircraft operated by the air carrier in (domestic, international, or domestic and international) services; or
  - (2) (domestic, international, or domestic and international) services operated by the air carrier with the following aircraft—

REGISTRATION MARKING	AIRCRAFT TYPE & MODEL

- (e) The Insurer undertakes to notify the Director-General of the Civil Aviation Authority of Rwanda forthwith in writing when—
  - (1) (a) the air carrier's coverage has been cancelled or is intended to be cancelled;

**CIVIL AVIATION REGULATIONS**

- (2) (b) the air carrier's coverage has been altered or is intended to be altered in a manner that results in the failure by the air carrier to comply with the requirements of Regulation 37.200 of the Civil Aviation (Licensing of Air Services) Regulations; or
  - (3) (c) the air carrier's operations have been changed or are intended to be changed in a manner that results in the failure by the air carrier to comply with the requirements of Regulation 37.200 of the Civil Aviation (Licensing of Air Services) Regulations.
- (f) The insurer (circle (1) or (2))—
- (1) is registered and/or licensed in Rwanda to issue aircraft insurance policies; or
  - (2) is licensed or approved by a foreign government to issue aircraft insurance policies.

DATE	ON BEHALF OF INSURER
	<i>(Signature, name and title of authorized person or agent)</i>

**FILING DIRECTIONS:**

- (1) An original of this certificate and any notification made pursuant to Regulation 5 are to be filed with the Director-General, Rwanda Civil Aviation Authority, P.O. 1112, Kigali, Rwanda
- (2) An air carrier may file a certificate that contains one or more of the three conditions and the table set out in the attachment hereto.

**ATTACHMENT**

NAME OF AIR CARRIER:

---



---

The Air Carrier has been insured against the risks described in Regulation 2 under Policy no., which is issued on one or more of the following conditions:

- (1) the aircraft are as described, and are insured for the amounts shown, in the table below;
- (2) the number of passengers carried does not exceed the number of passenger seats insured for each aircraft as shown in the table below; and

(3) the aircraft will be used for the following purposes—

Registration Marking	Type & Model	No. of Passenger Seats Insured	Amount of Passenger Liability	Amount of Luggage Liability	Amount of Cargo Liability	Amount of Third Party Liability

**APPENDIX 1 TO 37.225: INFORMATION TO BE DISCLOSED FOR FRANCHISES: DISCLOSURE DOCUMENT**

- (a) The franchisor/franchisee shall provide the following information in the disclosure document—
  - (1) the legal name, legal form and legal address of the franchisor and the address of the principal place of business of the franchisor;
  - (2) any name other than the legal name under which the franchisor carries on or intends to carry on business.
  - (3) the address of the franchisor's principal place of business in Rwanda;
  - (4) a description of the airline experience of the franchisor including the length of time during which the franchisor has offered franchises;
  - (5) details of shareholding, directorship and senior management of franchisor/franchisee.
  - (6) the names, business addresses, positions held, business experience and qualifications of any person who has senior management responsibilities for the franchisor's business operations in relation to the franchise;
  - (7) relevant details relating to any criminal convictions or any finding of liability in a civil action involving franchises or other businesses relating to fraud, misrepresentation, or similar acts or practices of—
    - (i) the franchisor;
    - (ii) any affiliate of the franchisor who is engaged in franchising; and
    - (iii) any of the persons indicated in sub-paragraph (a)(5)
  - (8) relevant details concerning any bankruptcy, insolvency or comparable proceeding involving the franchisor for the previous five years;
  - (9) the total number of franchises in the franchisor network.
  - (10) the names and business addresses of all the franchisees.
  - (11) information about the franchisees that have ceased to be franchisees of the franchisor during the five preceding fiscal years, with an indication of the reasons for which the franchisees have ceased to be franchisees of the franchisor.
  - (12) Disclosure of the following categories would fulfill the disclosure requirement: voluntarily terminated or not renewed;
  - (13) reacquired by purchase by the franchisor; otherwise reacquired by the franchisor;



## CIVIL AVIATION REGULATIONS

- refused renewal by the franchisor; terminated by the franchisor;
- (14) the following information regarding the franchisor's intellectual property relevant for the franchise, in particular trademarks, service marks, trademarks, logotypes and designator codes—
- (i) the registration and/or the application for registration, if any, and
  - (ii) litigation or other legal proceedings, if any, which could have a material effect on the franchisee's legal right, exclusive or nonexclusive, to use the intellectual property under the franchise agreement in the State in which the franchised business is to be operated;
- (15) financial matters, including—
- (i) financing offered or arranged by the franchisor, if any;
  - (ii) audited or otherwise independently verified financial Statements of the franchisor, including balance sheets and statements of profit and loss, for the previous three years.
  - (iii) If the most recent audited financial statements are as of a date more than 180 days before the date of delivery of the disclosure document, then unaudited financial statements as of a date within 90 days of the date of delivery of the disclosure document;
  - (iv) a description of the franchise to be operated by the franchisees;
  - (v) the term and conditions of renewal of the franchise;
  - (vi) a description of the initial and on-going training programme
  - (vii) the nature and extent of exclusive rights granted, if any, including rights relating to territory and/ or customers;
  - (viii) the conditions under which the franchise agreement may be terminated by the franchisor and the effects of such termination;
  - (ix) the conditions under which the franchise agreement may be terminated by the franchisee and the effects of such termination;
  - (x) the limitations imposed on the franchisee, if any, in relation to territory and/or to customers;
  - (xi) in-term and post-term non-compete covenants;
  - (xii) any reservation by the franchisor of the right
- (16) to use, or to license the use of, the trademarks covered by the franchise agreement;
- (17) to sell or distribute the goods and/or services authorized for sale by the franchisee directly or indirectly through the same or any other channel of distribution, whether under the trademarks covered by the agreement or any other trademark;
- (i) restrictions or conditions imposed on the franchisee in relation to services that the franchisee may offer.
  - (ii) certified copies of air services licence, air operators certificate issued to franchisee and franchisor.
  - (iii) certified copies of the current conditions of carriage for passenger baggage and mail of the prospective franchisor and the prospective franchisee.
  - (iv) certified copies of the current conditions of carriage for cargo of the prospective Franchisee and the prospective franchisee and the prospective franchisor.
  - (v) description of the safety record of the Franchisor for the past ten years.
  - (vi) details of the financing of aircraft purchase/leasing of franchisee.
  - (vii) a draft of the proposed franchise agreement (excluding financial clauses).
- (b) Any other information, data, certification or document the Authority may request.

*END OF RCAR PART 37*