European Union Aviation Safety Agency

FAQ n.136185

FAQs:

Aircraft operations — Restrictive measures Russia, EU restrictive measures against Russia

Question:

Are aircraft registered in Russia or operated by Russian operators allowed to fly into the European Union?

Answer:

No, in accordance with Article 3d of Regulation (EU) No 833/2014, they are not allowed such operations, with limited exceptions.

The general principle is a flight prohibition if:

1. the aircraft is operated by a Russian air carrier;
2. the aircraft is registered in Russia;
3. the aircraft is owned or chartered(Note 2) or otherwise controlled(Note 1) by any Russian natural or legal person, entity or body; or
4. the aircraft is used for a non-scheduled flight with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or landing; the flight prohibition for non-scheduled flights applies, for example, to requests of Russian natural persons to be transported to specific holiday destinations or of Russian legal persons to transport their employees to business meetings in the Union or their clients to tourist destinations.

The restrictive measures do not forbid to take Russian citizens on board if the aircraft does not meet the above criteria. If there are more people on board (e.g. 10 people rented the aircraft, while 2 of them are Russian citizens) it is up to the national authority to make sure there is no circumvention of the prohibition. However, flights should be prohibited if there are physical persons on board the aircraft who are subject to a listing under the Sanctions Regulations (in particular, subject to a travel ban).

Exceptions to the flight prohibition under Article 3d (Note 3):

The manned aircraft is exceptionally allowed to operate in the following circumstances:

1. aircraft which a Russian person merely pilots without being in a position to effectively

determine the place or time for its take-off or landing, such as in the case of pilots employed by non-Russian air carriers;

2. aircraft that have a maximum seating capacity of 4 persons and a maximum take-off mass of no more than 2000 kg, when used for private, non-commercial, non-corporate, flights carried out within Union territory and airspace for recreational purposes or for the purpose of training for private pilot licences and related ratings with Union training providers;
3. an emergency landing or emergency overflight;
4. flights specifically authorised by EU Member States for humanitarian purposes or for any other purpose consistent with the objectives of Regulation (EU) No 833/2014.

Note 1: Except for non-scheduled flights, with regard to which a Russian natural or legal person, entity or body is in a position to effectively determine the place or time of its take-off or landing, the concept of 'control' is understood in the 'economic' or 'financial' sense and not in the 'technical' or 'operational' sense (cf. para 48 of Judgement of the General Court Case T-233/22).

Note 2: The EU aviation law does not define 'aircraft charter'. EU Member States' authorities should apply the definition of 'charter' in accordance with their national legislation and relevant international agreements.

Note 3: The exceptions under Article 3d, listed above, are without prejudice to possible other sanctions, such as the prohibition in Article 3c to support through e.g. maintenance actions, aircraft used to fly domestically in Russia.

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