European Union Aviation Safety Agency

FAQ n.136187

FAQs:

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

Question:

If an aircraft is chartered by an EU or third-country resident, but the flight is from Russia to the European Union, is it allowed? Alternatively, if at least one of the passengers is a Russian citizen (not subject to targeted sanctions, such as a travel ban), is it allowed to approve these flights?

Answer:

Landing in or taking off from the European Union is allowed only if:

1. the aircraft is not operated by a Russian air carrier;
2. the aircraft is not registered in Russia;
3. the aircraft is not owned or chartered(2) or otherwise controlled(1) by any Russian natural or legal person, entity or body; and
4. there are no persons on board the aircraft who are subject to a listing under the Sanctions Regulations (in particular, subject to a travel ban).

In line with Article 3d(1) of Regulation (EU) No 833/2014, it shall be prohibited for any aircraft operated by Russian air carriers, including as a marketing carrier in code-sharing or blocked-space arrangements, or for any Russian registered aircraft, or for any non-Russian-registered aircraft that is owned or chartered or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the European Union.

Therefore, it should be noted that the Regulation does not forbid to take Russian citizens on board, however, the aircraft cannot be chartered by Russian citizens. 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 authority to make sure there is no circumvention of the prohibition.

Note 1: 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’. Member States authorities should apply the definition of ‘charter’ in accordance with their national legislation and relevant international agreements.

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Link:

https://www.easa.europa.eu/en/faq/136187