



## AFKONDIGINGSBLAD VAN SINT MAARTEN

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Jaargang 2014

No. 75

### **Regeling van de Minister van Toerisme, Economische Zaken, Verkeer en Telecommunicatie van 28 november 2014, tot vaststelling van regels voor vluchtuitvoering door een buitenlandse luchtvaartmaatschappij (Regeling vluchtuitvoering buitenlandse luchtvaartmaatschappijen)**

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De Minister van Toerisme, Economische Zaken, Verkeer en Telecommunicatie,

In overweging genomen hebbende:

dat het wenselijk is regels te stellen betreffende het op veilige wijze uitvoeren van een vlucht door buitenlandse luchtvaartmaatschappijen in Sint Maarten;

Gelet op artikel 8, eerste lid, van de Luchtvaartlandsverordening, en de artikelen 113, zesde lid, en artikel 114, eerste lid, van het Landsbesluit toezicht luchtvaart;

**BESLUIT:**

#### **Artikel 1**

De afgifte, wijziging, of verlenging van een vergunning tot vluchtuitvoering aan buitenlandse luchtvaartmaatschappijen ("authorization") voor het verrichten van commerciële vluchten in Sint Maarten op grond van een internationale overeenkomst, geschiedt met inachtneming van de voorschriften opgenomen in de bij deze regeling behorende bijlage.

#### **Artikel 2**

1. Deze regeling treedt, zodra deze in het Afkondigingsblad is geplaatst, in werking met ingang van de eerste dag van de zevende week na de datum van bekrachtiging.

2. In afwijking van het eerste lid, treedt deze regeling:

a. in werking met ingang van de eerste dag van de derde week na de beslissing van het Constitutioneel Hof indien de Ombudsman een zaak aanhangig heeft gemaakt als bedoeld in artikel 127, derde lid, van de Staatsregeling; of,

b. niet in werking indien het Constitutioneel Hof oordeelt dat deze regeling niet verenigbaar is met de Staatsregeling.

### **Artikel 3**

Deze regeling wordt aangehaald als: Regeling vluchtuitvoering buitenlandse luchtvaartmaatschappijen.

Deze regeling wordt met de toelichting in het Afkondigingsblad geplaatst

*Achtentwintigste* november 2014  
De Minister van Toerisme, Economische Zaken,  
Verkeer en Telecommunicatie

Uitgegeven de *vierde* december 2014;  
De Minister van Algemene Zaken  
Namens deze,  
Hoofd Afdeling Juridische Zaken & Wetgeving

## TOELICHTING

### Algemeen deel

In 2008 heeft de Internationale burgerluchtvaart organisatie (ICAO) een audit uitgevoerd naar de toepassing van de internationale luchtvaart regelgeving in het Koninkrijk der Nederlanden. Een belangrijke uitkomst uit deze audit was dat de regelgeving van de Nederlandse Antillen sterk verouderd was. Daardoor kwam de aansluiting bij de internationale regelgeving onder druk te staan. De burgerluchtvaartwetgeving is overal ter wereld zoveel mogelijk uniform vanwege het sterke internationale karakter van de burgerluchtvaart.

Streven is dan ook om alle wettelijke regelingen op het gebied van luchtvaart aan te passen aan de internationale standaarden, beginnende met de regelgeving inzake de veiligheid van de burgerluchtvaart. Ook is aanleiding geweest dat de Amerikaanse luchtvaartautoriteit, de "Federal Aviation Administration" (FAA), van 12 tot en met 16 september 2011 in het kader van het "International Aviation Safety Assessment" (IASA) programma een audit bij de "Curaçao Civil Aviation Authority" (CCAA) heeft uitgevoerd, waar de Sint Maarten Civil Aviation Authority (SMCAA) bij betrokken was. De uitslag van deze audit was onder meer dat de regelgeving, de "Civil Aviation Regulations", voorheen "Civil Aviation Regulations Netherlands Antilles" (CARNA), niet actueel was. De audit betrof vooral de regelgeving omtrent de veiligheid van de luchtvaart.

Artikel 8, eerste lid, van de Luchtvaartlandsverordening bepaalt dat het beroepsvervoer met luchtvaartuigen binnen, naar of uit Sint Maarten, of met een binnen Sint Maarten gelegen punt als tussenstation, slechts mag geschieden door luchtvaartmaatschappijen waaraan door de Minister vergunning is verleend.

Het is gebruikelijk dat in luchtvaartovereenkomsten tussen twee staten wordt opgenomen dat de vergunning tot vluchtuitvoering van en naar deze landen wordt afgegeven door de staat waar de luchtvaartmaatschappij is gevestigd, en dat de andere staat die vergunning als toereikend erkent door middel van een (eenvoudige) toestemming. Buitenlandse vervoerders die op geregelde of ongeregelde basis willen vliegen naar en van Sint Maarten, moeten in zo'n geval toestemming hebben van de Sint Maartense burgerluchtvaartautoriteit. Het verlenen van toestemming geschiedt door de Directeur van de Dienst lucht- en scheepvaart, die hiervoor door de Minister is gemachtigd. Bij de aanvraag om toestemming moeten de nodige bescheiden en documenten worden overgelegd ter controle. De buitenlandse vervoerder moet kunnen aantonen dat aan de internationale veiligheidsstandaarden is voldaan, dat de vluchten op een veilige wijze kunnen worden verricht en dat er vergunning is verleend door de autoriteiten van het land van vestiging van de buitenlandse luchtvaartmaatschappij. Het verlenen van toestemming aan buitenlandse luchtvaartmaatschappijen geschiedt in principe op basis van reciprociteit.

Bij het opstellen van de bijlage bij deze regeling is deel 10 "Commercial Air Transport by Foreign Air Operators" van de "FAA Model Regulations" overgenomen. Deel 10 "Commercial Air Transport by Foreign Air Operators" van de "FAA Model Regulations" is wel aangepast aan de staatkundige situatie in Sint Maarten en aan de actueel geldende wetgeving in Sint Maarten. Het resultaat, de "Sint Maarten Civil Aviation Regulations Part 10 Commercial Air Transport by Foreign Air Operators" is als bijlage bij deze regeling gevoegd.

De bijlagen zijn opgesteld in de Engelse taal, dat is normaal gesproken niet wenselijk bij wetgeving. Echter, dat is gewoonte in de luchtvaart gezien het internationale karakter daarvan.

*Financiële paragraaf*

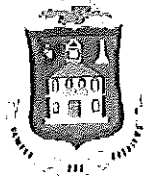
Er zijn geen financiële gevolgen voorzien.

**Artikelsgewijs deel**

*Artikel 1*

Voor het verlenen van toestemming aan buitenlandse luchtvaartuigen om in Sint Maarten te opereren worden de voorschriften gehanteerd zoals vastgesteld in de bijlage van deze regeling. In de bijlage wordt aangegeven welke documenten door een buitenlandse luchtvaartmaatschappij moeten worden ingediend alvorens toestemming wordt verleend. Ook de documenten die aan boord van het vliegtuig moeten zijn, worden geregeld in de bijlage.

De Minister van Toerisme, Economische Zaken,  
Verkeer en Telecommunicatie



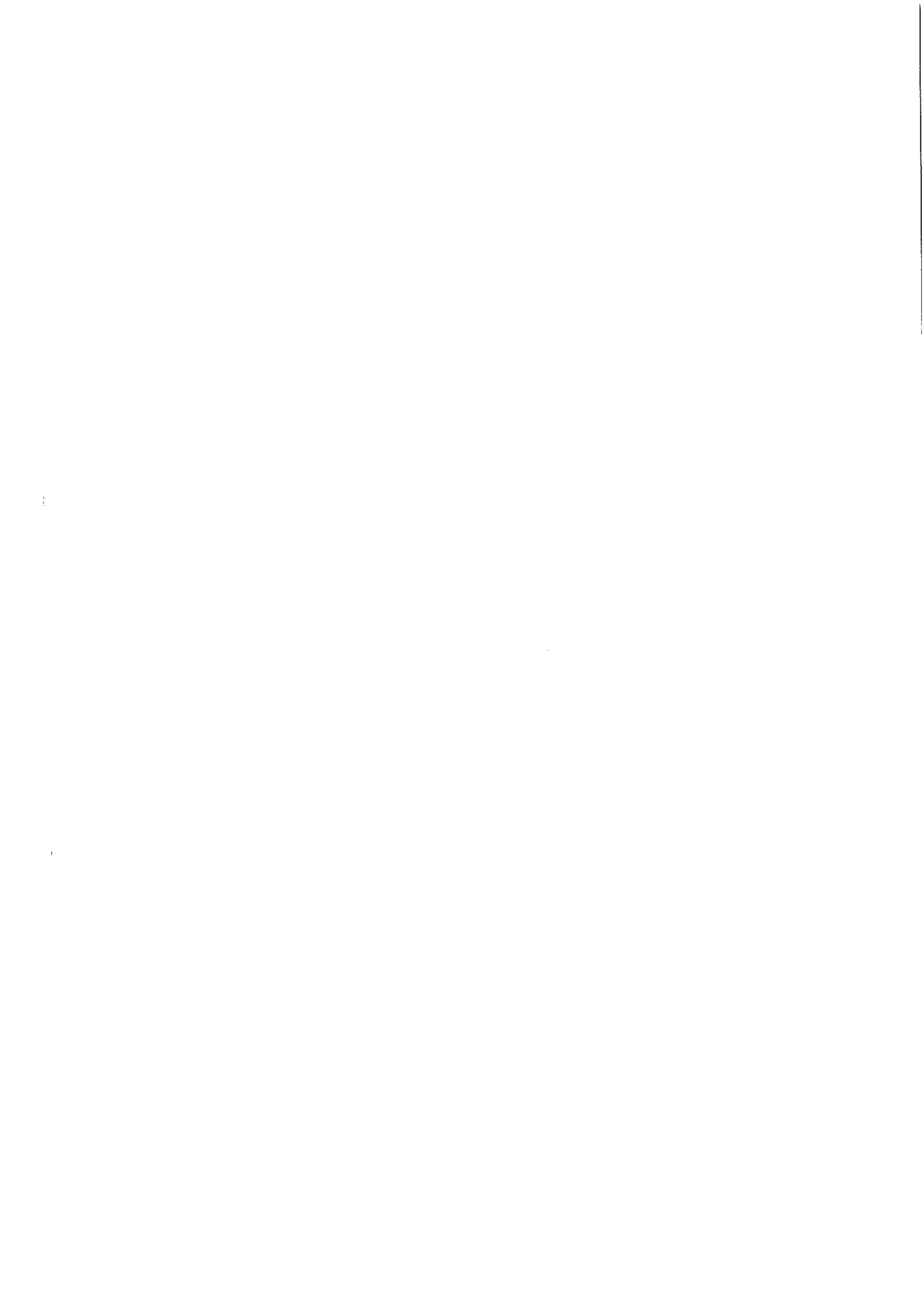
**Sint Maarten Civil Aviation Authority**  
Ministry of Tourism, Economic Affairs,  
Traffic and Telecommunication

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**Bijlage behorende bij de Regeling vluchtuitvoering buitenlandse  
luchtvaartmaatschappijen**

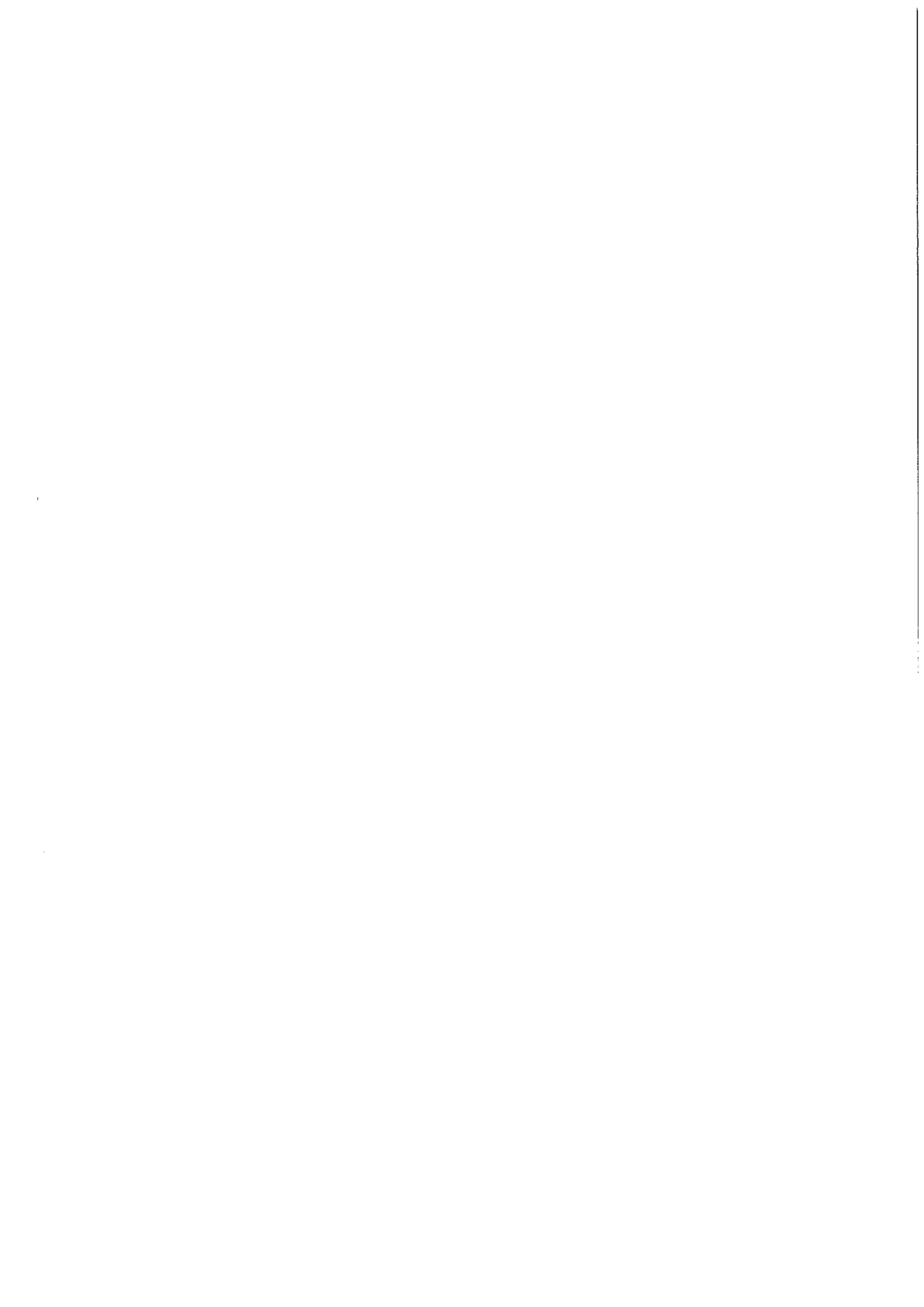
**SINT MAARTEN CIVIL AVIATION REGULATIONS**

**Part 10 — Commercial Air Transport by Foreign Air Operators Within Sint  
Maarten**



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## 10.1 GENERAL

### 10.1.1.1 APPLICABILITY

- (a) This regulation prescribes requirements applicable to the operation of any civil aircraft, including aeroplane or helicopter, for —
  - (1) The purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and;
  - (2) Controlled by a civil aviation authority other than Sint Maarten.
- (b) This Part does not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

### 10.1.1.2 DEFINITIONS

- (a) For the purpose of SMCAR Part 10, the following definitions shall apply:
  - (1) **Aeroplane flight manual.** A manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the aeroplane.
  - (2) **Air operator certificate.** A certificate authorizing an operator to carry out specified commercial air transport operations.
  - (3) **Aircraft operating manual.** A manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft.
  - (4) **Authority.** The Sint Maarten Civil Aviation Authority (SMCAA)
  - (5) **Foreign air operator.** Any operator, not being an air operator holding an Air Operator Certificate issued by Sint Maarten under the provisions of ICAO Annex 6, Part I or Part III, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Sint Maarten, whether on a scheduled or charter basis.
  - (6) **Foreign Authority.** The civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator.
  - (7) **Minimum equipment list.** A list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type.
  - (8) **Minister.** Minister of Tourism, Economic Affairs, Transport and Telecommunication.
  - (9) **Operations manual.** A manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.

- (10) **Rotorcraft flight manual.** A manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft.

#### 10.1.1.3 ABBREVIATIONS

- (a) The following abbreviations are used in SMCAR Part 10:
- (1) AFM – Aeroplane Flight Manual;
  - (2) AOC – Air Operator Certificate;
  - (3) AOM – Aeroplane Operating Manual;
  - (4) MEL – Minimum Equipment List;
  - (5) RFM – Rotorcraft Flight Manual.

#### 10.1.1.4 COMPLIANCE

- (a) A foreign air operator may not operate an aircraft in commercial air transportation operations in Sint Maarten contrary to the requirements of—
- (1) This Part ;
  - (2) Applicable paragraphs of SMCAR Parts 7 and 8;
  - (3) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and
  - (4) Any other requirements that the Authority may specify.

#### 10.1.1.5 AUTHORITY TO INSPECT

- (a) A foreign air operator shall ensure that any person authorized by the Authority, will be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to Sint Maarten —
- (1) To inspect the documents and manuals required by this Part;
  - (2) To conduct an inspection of the aircraft;
  - (3) To take appropriate action when necessary to preserve safety.
- (b) When the Authority identifies a case of non-compliance or suspected non-compliance by a original operator with laws, regulations and procedures applicable within the territory of Sint Maarten, or a similar serious safety issue with that operator, Sint Maarten shall immediately notify the operator and, if the issue warrants it, the State of the Operator. Where the State of the Operator and the State of Registry are different, such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.

- (c) In the case of notification to States as Specified in subpart (b), if the issue and its resolution warrant it Sint Maarten shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

*Note: The Manual of Procedures for Operations Inspection, Certification and Continued Surveillance (Doc 8335) provides guidance on the surveillance of operations by foreign operators. The manual also contains guidance on the consultations and related activities, as specified in this part, including the ICAO model clause on aviation safety, which if included in a bilateral or multilateral agreement, provides for consultations among States, when safety issues are identified by any of the parties to a bilateral or multilateral agreement of air service.*

## 10.2 APPROVAL TO OPERATE IN THE TERRITORY OF SINT MAARTEN

### 10.2.1.1 REQUIREMENTS FOR APPLICATION BY FOREIGN AIR OPERATORS FOR APPROVAL TO OPERATE INTO THE TERRITORY OF SINT MAARTEN

- (a) A foreign air operator from the territory of another state shall not operate an aircraft in Sint Maarten unless it is so authorized by the Authority and holds an associated Document of Authorizations, Conditions, and Limitations issued to it by the Authority.
- (b) When an air operator wishes to apply to operate in Sint Maarten it shall—
- (1) Make such application to the Authority in the form and manner prescribed;
  - (2) See IS: 10. 2.1.1(a) for the Foreign Operator's Application Form.
- (c) An application for approval to operate into the territory of Sint Maarten shall be accompanied by—
- (1) A certified true copy of a valid (AOC) and associated operations specifications issued to the foreign air operator by the Foreign Authority;
  - (2) A copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in Sint Maarten;
  - (3) A copy of the current aircraft Certificate of Registration and airworthiness certificate issued for the aircraft types proposed to be operated by the air operator in Sint Maarten;
  - (4) A copy of the insurance certificate;
  - (5) A copy of the operational procedures and practices of the operator;
  - (6) A copy of a document identifying the maintenance checks that are required to be carried out for aircraft of the air operator while they are operated in Sint Maarten;
  - (7) A copy of the maintenance contract between the air operator and the Approved Maintenance Organization, where the maintenance under subparagraph (g), is carried out by an Approved Maintenance Organization approved by the foreign authority;
  - (8) A copy of the air service agreement, with safety clause, allowing the foreign air operator to operate in Sint Maarten. See IS: 10. 2. 1.1(b) for an example of the referenced air service agreement safety clause;
  - (9) In the cases of wet leased aircraft: a copy of the approval of the CAA of the State of the operator, with identification of the operator that exercises operational control of the aircraft;

- (10) A proposed Aircraft Operator Security Programme for the foreign air operator who does not hold an Air Operator Certificate issued by the Authority which meets the requirements of the Civil Aviation Regulations, for the acceptance and subsequent approval of the Authority; and
  - (11) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.
- (d) An applicant under these Regulations shall apply for the initial issue of a foreign air operator Operations Specifications at least ninety days before the date of commencement of intended operation.

#### 10.2.1.2 CONDITIONS FOR THE ISSUANCE OF A DOCUMENT OF AUTHORISATIONS, CONDITIONS, AND LIMITATIONS

- (a) The Minister may recommend that the Authority issue a Document of Authorizations, Conditions and Limitations to a foreign air operator to conduct commercial air operations in Sint Maarten where the Minister is satisfied and has confidence in —
- (1) The validity of the certificates and licenses associated with the operator;
  - (2) The operator's personnel and aircraft;
  - (3) The operational capabilities of the operator; and
  - (4) The level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority.
- (b) See IS: 10.2.1.2 for the process to be used for evaluating the conditions stipulated under (a) (1) through (4).
- (c) No foreign air operator may commence commercial air transport operations in and to Sint Maarten until the Operations Specifications have been issued.

#### 10.2.1.3 ISSUANCE OF A DOCUMENT OF AUTHORISATION, CONDITIONS, AND LIMITATIONS

- (a) The authority may issue a Document of Authorization, Conditions and Limitations to a foreign air operator applicant —
- (1) Following approval of the foreign air operator's application form to operate into the territory of Sint Maarten;
  - (2) Upon a satisfactory administrative review of the documentation provided by the foreign air operator under 10.2.1.1 (c) and (d); and
  - (3) When it has established bilateral or multilateral agreements with the State of the Operator that includes in the agreement the safety clause referenced under 10.2.1.1 (c) (5); or
  - (4) When it has not established bilateral or multilateral agreements with the State of the Operator the Authority receives no significant safety findings or major deficiencies from available safety related information relevant to the foreign air operator.

#### 10.2.1.4 CONTENTS OF A DOCUMENT OF AUTHORISATIONS, CONDITIONS, AND LIMITATIONS

- (a) A Document of Authorization, Conditions and Limitations is issued to foreign air operators for elements not listed in the operator's AOC and associated operations specifications but considered necessary for compatible operations within Sint Maarten.
- (1) A Document of Authorizations, Conditions and Limitations issued under this section shall contain—
- (i) The foreign air operator's full name;
  - (ii) The foreign air operator's principal business address and contact details for operational management;
  - (iii) The foreign air operator's business address and contact details in Sint Maarten;
  - (iv) The date of issuance and expiry (if any) of the foreign air operator's AOC;
  - (v) A statement that: This Document authorizes [name of foreign air operator] to operate in the territory of Sint Maarten;
  - (vi) A statement that: This Document is issued to [name of foreign air operator] on the basis of it holding a valid AOC. Any changes to the AOC made by the Foreign Authority that issued and oversees the AOC of [name of foreign air operator] shall be submitted by [name of foreign air operator] in writing to the Authority within 30 days of such change;
  - (vii) A statement that: This Document ceases to have effect upon expiry, suspension, revocation, cancellation or equivalent action in respect of the foreign air operator's AOC; and
  - (viii) Any additional authorizations, conditions or limitations considered necessary by the Authority.
- (b) Operations Specification issued to a foreign air operator by the Foreign Authority shall be supplementary to these Regulations.

#### 10.2.1.5 CONTINUED VALIDITY OF A DOCUMENT OF AUTHORISATONS, CONDITIONS, AND LIMITATIONS

- (a) A foreign air operator shall, when conducting operations in and to Sint Maarten ensure that it complies at all times with the requirements of—
- (1) Its Operations Specifications;
  - (2) Its approved Aircraft Operator Security Programme; and
  - (3) The security requirements for aircraft operators operating in Sint Maarten.

### 10.3 DOCUMENTS

#### 10.3.1.1 FOREIGN AIR OPERATOR'S AIRCRAFT TECHNICAL LOG

- (a) A foreign air operator shall use an aircraft technical log system containing the following information for each aircraft—

- (1) Information about each flight necessary to ensure continued flight safety;
- (2) The current aircraft certificate of release to service;
- (3) The current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;
- (4) All outstanding deferred defects that affect the operation of the aircraft; and
- (5) Any necessary guidance instructions on maintenance support.

#### 10.3.1.2 AIR OPERATOR MANUALS, DOCUMENTS AND FLIGHT CREW LICENCES TO BE CARRIED

- (a) A foreign air operator shall ensure that the following manuals, documents and licenses are carried on flights into Sint Maarten—
  - (1) A certified true copy of the air operator certificate and associated operations specifications all of which shall be in the English language;
  - (2) A Copy of the Document of Authorizations, Conditions, and Limitations required under this Part ;
  - (3) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;
  - (4) Those parts of the Operations Manual, which are required for the conduct of a flight and are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and information and instructions relating to the interception of aircraft;
  - (5) The current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry received from the State of Design;
  - (6) The current certificate of registration, and airworthiness certificate in force in respect of that aircraft;
  - (7) The appropriate licenses of the members of the flight crew and cabin crew, if a cabin crew license is required by the Foreign Authority;
  - (8) Appropriate approval/license of crewmembers for aircraft radio operation.

#### 10.3.1.3 ADDITIONAL INFORMATION AND FORMS TO BE CARRIED

- (a) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed 10.3.1.2, the following information and forms, relevant to the type and area of operation, are carried on each flight—
  - (1) Operational Flight Plan;
  - (2) Aircraft Technical Log containing at least the information required in 10.3.1.1(a);
  - (3) Appropriate NOTAM/AIS briefing documentation;
  - (4) Appropriate meteorological information;

- (5) Passenger and Cargo manifests as appropriate for the intended flight;
  - (6) The mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured;
  - (7) Notification of special loads including any dangerous goods; and
  - (8) Current maps and charts for the area of operation.
- (b) The Authority may authorize the information detailed in subparagraph (a) above, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

#### 10.3.1.4 PRODUCTION OF DOCUMENTATION, MANUALS AND RECORDS

- (a) A foreign air operator shall—
- (1) Give any person authorized by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and
  - (2) Produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.
- (b) The pilot in command shall, within a reasonable time of being requested to do so by a person authorized by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

#### 10.3.1.5 PRESERVATION, PRODUCTION AND USE OF FLIGHT RECORDER RECORDINGS

- (a) Following an accident, incident, in Sint Maarten involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days unless otherwise directed by the authority.

### 10.4 OPERATIONS AND PERFORMANCE

#### 10.4.1.1 COMPUTATION OF PASSENGER AND BAGGAGE WEIGHTS

- (a) A foreign air operator shall compute the mass of passengers and checked baggage using—
- (1) The actual weighed mass of each person and the actual weighed mass of baggage; or
  - (2) The standard mass values specified by the foreign Authority.
- (b) The Authority may require a foreign air operator conducting operations in Sint Maarten to produce evidence validating any standard mass values used.

#### 10.4.1.2 SINGLE-ENGINE AEROPLANES AT NIGHT OR IN IMC

- (a) A foreign air operator may not operate a single-engine, non-turbine aircraft—
  - (1) At night; or
  - (2) In Instrument Meteorological Conditions except under Special Visual Flight Rules.
- (b) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC conditions provided the State of the Operator has ensured—
  - (1) The reliability of the turbine engine;
  - (2) The foreign operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programs are adequate;
  - (3) The aeroplane is appropriately equipped for flight at night and in IMC;
  - (4) For aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system; and
  - (5) For aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

#### 10.4.1.3 SINGLE PILOT OPERATIONS UNDER IFR OR AT NIGHT

- (a) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions —
  - (1) The flight manual does not require a flight crew of more than one pilot;
  - (2) The aeroplane is propeller-driven;
  - (3) The maximum approved passenger seating configuration is not more than nine;
  - (4) The maximum certificated take-off mass does not exceed 5,700 kg;
  - (5) The aeroplane is equipped with:
    - (i) A serviceable autopilot that has at least altitude hold and heading select modes;
    - (ii) A headset with a boom microphone or equivalent; and
    - (iii) A means of displaying charts that enables them to be readable in all ambient light conditions.
  - (6) The PIC has satisfied the requirements of experience, training, checking and recency.

#### 10.4.1.4 FLIGHT RULES WITHIN SINT MAARTEN

- (a) Within the territorial boundaries of Sint Maarten, foreign air operator shall comply with the flight rules and limitations contained in SMCAR Part 8.
- (b) Foreign air operators shall ensure that their flight crew have available and have become familiar with the flight rules in SMCAR Part 8 of this regulation.

*Note: The flight rules are contained in SMCAR Part 8.*



## 10.5 FLIGHT CREW MEMBER QUALIFICATIONS

### 10.5.1.1 GENERAL

- (a) Foreign air operators shall ensure that their flight crews have the appropriate licenses and ratings for the operations to be conducted in Sint Maarten.

### 10.5.1.2 AGE LIMITATIONS

- (a) Foreign air operators shall ensure that the required PIC engaged in single pilot operations on aircraft operating in Sint Maarten shall be less than 60 years of age.
- (b) Foreign air operators shall ensure, for aircraft engaged in operations in Sint Maarten requiring more than one pilot as flight crew members, that if one pilot is between the age of 60 and up to age 65, the other pilot shall be less than age 60.

### 10.5.1.3 LANGUAGE PROFICIENCY

- (a) Foreign air operators shall ensure that flight crew operating aircraft in Sint Maarten meet the language proficiency requirement of least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the license.

## 10.6 SECURITY

### 10.6.1.1 AIRCRAFT SECURITY

- (a) A foreign air operator shall—
  - (1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programs of the State of the operator;
  - (2) Establish, maintain and conduct approved training programs which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;
  - (3) Following an act of unlawful interference on board an aircraft the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator;
  - (4) Ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and
  - (5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorized access.

#### 10.6.1.2 UNAUTHORISED CARRIAGE

- (a) A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

### 10.7 DANGEROUS GOODS

#### 10.7.1.1 OFFERING DANGEROUS GOODS FOR TRANSPORT BY AIR

- (a) No foreign air operator may accept dangerous goods for transport by air in Sint Maarten unless the foreign air operator—
  - (1) Has been authorized to do so by the foreign Authority; and
  - (2) Has conducted the required personnel training.
- (b) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods program as approved by the foreign Authority.
- (c) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods program authorized by the foreign Authority, the foreign operator shall file a copy of its dangerous goods program with the Authority.

#### 10.7.1.2 CARRIAGE OF WEAPONS OF WAR AND MUNITIONS OF WAR

- (a) A foreign air operator conducting commercial air transportation operations to Sint Maarten shall:
  - (1) Not transport weapons of war and munitions of war by air unless an approval to do so has been granted by all States concerned.
  - (2) Ensure that weapons of war and munitions of war are:
    - (i) Stowed in the aircraft in a place which is inaccessible to passengers during flight; and
    - (ii) In the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this subparagraph.
  - (3) Ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

#### 10.7.1.3 CARRIAGE OF SPORTING WEAPONS AND AMMUNITION

- (a) A foreign air operator conducting commercial air transportation operations to Sint Maarten shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.

- (b) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—
  - (1) Stowed in a place on the aircraft which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures; and
  - (2) In the case of firearms or other weapons that can contain ammunition, unloaded.
- (c) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger's checked baggage, as approved by the Authority.

**SINT MAARTEN CIVIL AVIATION REGULATIONS**

**PART 10 — IMPLEMENTING STANDARDS**

**IS: 10.1.1.5 AUTHORITY TO INSPECT****(a) Authorized Inspectors -**

- (1) Authorized inspectors assigned to conduct inspections of foreign aircraft shall be experienced inspectors who understand the difference between ramp inspections conducted on their own (national) operators as part of their AOC management responsibilities and surveillance inspections conducted on aircraft of foreign (international) operators.
- (2) These inspectors shall be specifically trained and authorized to conduct such inspections and possess appropriate credentials identifying them as authorized inspectors employed by the Authority.
- (3) Ramp inspections of foreign air operators should be carried out in a similar manner to the ramp inspections of national operators, with some important differences, as the standards applied to foreign operators would be based primarily on international standards and national regulations derived from international standards.
- (4) Authorized inspectors shall have demonstrated a language proficiency in English of ICAO operational level 4 or higher.
- (5) Authorized inspectors shall have in their personal training records evidence they have been trained and are knowledgeable in the following areas:
  - (i) ICAO Convention and its Annexes 1, 6, 7 and 8;
  - (ii) Differences between ICAO standards and national regulations, which may be more detailed or restrictive;
  - (iii) Diplomacy, including dealing with potential language difficulties and cultural differences;
  - (iv) Sovereignty of foreign aircraft, which means that inspector authority is limited to document, communicate and report findings, except as provided in 10.1.1.5 (a) (3) of this Part;
  - (v) Observing, recording and reporting procedures during inspections of foreign air operators; and
  - (vi) Surveillance activities, which are not linked to the certification process of the operator.

**(b) Pre-Inspection Planning**

- (1) Authorized inspectors shall prepare for inspections of foreign operators by updating themselves on recent changes to national regulations with respect to operations by operators from other States.
- (2) A check should be made of the authority for the foreign operator to operate in Sint Maarten and to operate the particular aircraft concerned, i.e. issuance of a Document of Authorizations, Conditions and Limitations by the Authority.
- (3) The record of the foreign air operator's history in Sint Maarten should be examined, including records of past aircraft inspections and, in particular, those of the specific aircraft concerned in the inspection to be conducted, to check for any outstanding actions or recurring trends that might warrant particular attention.

- (4) Ramp (or Apron) inspections involve the aircraft and its crew, line station operations, servicing and maintenance and the ramp and gate area condition and activity. Time constraints may apply only to the inspection of the aircraft and crew. Determination should be made of the number of authorized inspectors and the specializations to be involved, the distribution of tasks and the time to be allocated to each task.
  - (5) As the inspection plan includes comprehensive inspections, it will not be possible to cover all the desired elements in the time available for a particular inspection without causing unreasonable delay to the foreign air operator.
  - (6) As inspections on aircraft of any one operator may be conducted at different airports by different authorized inspectors, the overall inspection plan will need to take this into account. Some elements should be covered at every inspection; others can be covered over a number of inspections. Thus, comprehensive records shall be maintained of all inspections of aircraft of a particular operator in a central database, in either paper or electronic format that is accessible to, and updated by, the authorized inspectors concerned.
  - (7) From these records it is necessary to plan the content of inspections so that a complete inspection of the aircraft of any one operator is undertaken over a defined period.
  - (8) Selection of a particular aircraft to inspect should normally be done at random, in a non-discriminatory manner. However, the principles of risk management to identify operations perceived to present a higher safety risk and, as a result, conduct additional inspection activities aimed at those operations, which can be linked to a specific:
    - (i) State of the Operator;
    - (ii) Aircraft type;
    - (iii) Nature of operations (scheduled, non-scheduled, cargo, air taxi, etc.);
    - (iv) Foreign operator; or
    - (v) Individual aircraft.
- (c) Inspections
- (1) Types
    - (i) Areas to be checked during a Ramp (Apron) Check are:
    - (ii) Flight Deck;
    - (iii) Cabin / Safety;
    - (iv) Aircraft External Condition;
    - (v) Cargo; and
    - (vi) General.
  - (2) Scope of a foreign operator ramp (Apron) inspection -
    - (i) It is not possible to cover all items on the checklist at every ramp inspection. Inspections should be planned to cover high risk items and to cover all other items over a series of inspections.
    - (ii) It is essential that adequate records are kept, and that there is complete coordination between all authorized inspectors involved in ramp inspections for any one operator.

Foreign Operator Ramp Inspection Checklist

SINT MAARTEN FOREIGN OPERATOR RAMP INSPECTION – PAGE 1		
Inspector Name:	AOC Name	State of the Operator:
Inspection Result: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory	Action Taken Under Part 10.1.15(a)(3) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
I. Documents to be covered on any one inspection of a foreign operator include the following:		
	Items	SIU
<ul style="list-style-type: none"> <li>• certificate of registration;</li> </ul>		
<ul style="list-style-type: none"> <li>• certificate of airworthiness;</li> </ul>		
<ul style="list-style-type: none"> <li>• certificates of competency, licenses and medical assessment of the flight crew;</li> </ul>		
<ul style="list-style-type: none"> <li>• air operator certificate and associated operations specifications relevant to the aircraft type, which are required information to be carried on board until an international register of AOCs may eventually provide an alternative way to access this information;</li> </ul>		
<ul style="list-style-type: none"> <li>• flight manual or other document containing performance data;</li> </ul>		
<ul style="list-style-type: none"> <li>• radio station license;</li> </ul>		
<ul style="list-style-type: none"> <li>• journey logbook or technical log or general declaration;</li> </ul>		
<ul style="list-style-type: none"> <li>• maintenance release;</li> </ul>		
<ul style="list-style-type: none"> <li>• fuel and oil records;</li> </ul>		
<ul style="list-style-type: none"> <li>• document attesting noise certification;</li> </ul>		
<ul style="list-style-type: none"> <li>• certificate of registration;</li> </ul>		
<ul style="list-style-type: none"> <li>• certificate of airworthiness;</li> </ul>		
<ul style="list-style-type: none"> <li>• certificates of competency, licenses and medical assessment of the flight crew;</li> </ul>		
<ul style="list-style-type: none"> <li>• air operator certificate and associated operations specifications relevant to the aircraft type, which are required information to be carried on board until an international register of AOCs may eventually provide an alternative way to access this information;</li> </ul>		
<ul style="list-style-type: none"> <li>• flight manual or other document containing performance data;</li> </ul>		
<ul style="list-style-type: none"> <li>• radio station license;</li> </ul>		
<ul style="list-style-type: none"> <li>• journey logbook or technical log or general declaration;</li> </ul>		
<ul style="list-style-type: none"> <li>• maintenance release;</li> </ul>		
<ul style="list-style-type: none"> <li>• fuel and oil records; and</li> </ul>		
<ul style="list-style-type: none"> <li>• document attesting noise certification.</li> </ul>		
Remarks:		

<b>SINT MAARTEN FOREIGN OPERATOR RAMP INSPECTION – PAGE 2</b>	
<b>II. The overall condition of the aircraft should be covered at every inspection:</b>	<b>S/U</b>
<b>Items</b>	
<ul style="list-style-type: none"> <li>• out-of-tolerance leakage of fuel, engine oil or hydraulic fluid;</li> </ul>	
<ul style="list-style-type: none"> <li>• landing gear and wheel well areas;</li> </ul>	
<ul style="list-style-type: none"> <li>• fuselage and pylons (as applicable);</li> </ul>	
<ul style="list-style-type: none"> <li>• wings and pylons (as applicable);</li> </ul>	
<ul style="list-style-type: none"> <li>• engines, their intakes, exhaust cones and reverser systems;</li> </ul>	
<ul style="list-style-type: none"> <li>• propellers (as applicable); and</li> </ul>	
<ul style="list-style-type: none"> <li>• empennage or tail assembly.</li> </ul>	
<b>Remarks:</b>	
<b>III. Documents that should be covered annually per/AOC include:</b>	<b>S/U</b>
<b>Items</b>	
<ul style="list-style-type: none"> <li>• adequate oxygen supply for crew and passengers;</li> </ul>	
<ul style="list-style-type: none"> <li>• passenger briefing cards and contents;</li> </ul>	
<ul style="list-style-type: none"> <li>• portable fire extinguishers – flight crew compartment and cabin;</li> </ul>	
<ul style="list-style-type: none"> <li>• life rafts and life jackets or individual flotation devices (as applicable);</li> </ul>	
<ul style="list-style-type: none"> <li>• pyrotechnical distress signaling devices (as applicable);</li> </ul>	
<ul style="list-style-type: none"> <li>• first-aid kits and medical kits (as applicable);</li> </ul>	
<ul style="list-style-type: none"> <li>• penetration resistant cockpit door (as applicable); and</li> </ul>	
<ul style="list-style-type: none"> <li>• emergency exit signs and lighting.</li> </ul>	
<b>Remarks:</b>	



SINT MAARTEN FOREIGN OPERATOR RAMP INSPECTION – PAGE 3		
<b>IV. Aircraft equipment that should be covered over a defined number of inspections:</b>		
	Items	S/U
• adequate oxygen supply for crew and passengers;		
• passenger briefing cards and contents;		
• portable fire extinguishers – flight crew compartment and cabin;		
• life rafts and life jackets or individual flotation devices (as applicable);		
• pyrotechnical distress signaling devices (as applicable);		
• first-aid kits and medical kits (as applicable);		
• penetration resistant cockpit door (as applicable); and		
• emergency exit signs and lighting.		
Remarks:		
<b>V. The following additional aircraft equipment should also be covered annually per/AOC as applicable to the aircraft and the operation:</b>		
	Items	S/U
• airborne		
• emergency		
• flight		
• ground		
Remarks:		

## IS: 10.2.1.1 REQUIREMENTS FOR THE APPLICATION BY FOREIGN AIR OPERATORS FOR APPROVAL TO OPERATE INTO THE TERRITORY OF SINT MAARTEN

(a) Foreign Operator's Application Form (Page 1 of 2)

Application Form for Commercial Air Transport Operations by a Foreign Operator <i>(To be completed by a foreign air operator for an approval to conduct operations in Sint Maarten)</i>		
<b>Section 1A. To be completed by all applicants</b>		
1. Company registered name and trading name if different. Address of company: mailing address; telephone; fax; and e-mail.	2. Address of the principal place of business including: telephone; fax; and e-mail.	
3. Proposed start date of operations: (dd/mm/yy):	4. ICAO 3-letter designator for aircraft operating agency:	
<b>5. Operational management personnel</b>		
<b>Name</b>	<b>Title</b>	<b>Telephone, fax and e-mail</b>
<b>Section 1B. Type of approval requested – To be completed by all applicants, checking applicable boxes</b>		
6. 1. <input type="checkbox"/> Air operator intends to conduct commercial flights to and from aerodromes in Sint Maarten 2. <input type="checkbox"/> Air operator intends to only conduct overflights and technical stops in Sint Maarten		
7. Air operator proposed types of operation:	8. Geographic areas of intended operations and proposed route structure:	
<input type="checkbox"/> Passengers and cargo <input type="checkbox"/> Cargo only <input type="checkbox"/> Scheduled operations <input type="checkbox"/> Charter flight operations <input type="checkbox"/> Dangerous goods		
<b>Section 1C on Page 2 – To be completed by the air operator</b>		
Signature:	Date (dd/mm/yy):	Name and title:
Evaluated by (name and office):		Authority decision: <input type="checkbox"/> Approval granted <input type="checkbox"/> Not approved
Remarks:		

Signature of Authority representative:	Date (dd/mm/yy):
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(b) Foreign Operator's Application Form (Page 2 of 2)

**Section 1C. To be completed by air operator**

9. Provide location on board or provide separate documentation where individual aircraft nationality and registration marks are listed as part of the aircraft fleet operated under the air operator certificate:

Provide following information:

Aircraft type <i>(make, model and series, or master series)</i>	RVSM <sup>1</sup> Approval	ETOPS <sup>3</sup>	Noise <sup>2</sup> certification <i>(Annex 16 Ch.)</i>	Remarks
[Aircraft type 1]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 2]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 3]	<input type="checkbox"/>	<input type="checkbox"/>		
[Aircraft type 4]	<input type="checkbox"/>	<input type="checkbox"/>		
Etc.	<input type="checkbox"/>	<input type="checkbox"/>		

Attach copies of:

- Proof of Economic Authority;
- Air operator certificate and associated operations specifications;
- Insurance certificate;
- In case of wet-lease of aircraft: approval of CAA of the State of the Operator, with identification of the operator that exercises operational control on the aircraft; and
- Document authorizing the specific traffic rights, issued by the Department of Tourism, Economic Affairs, Transport and Telecommunication or resulting from a bilateral air transport agreement (if required by the State to which the operator is flying to).

<sup>1</sup> As approved by the State of the Operator

<sup>2</sup> As approved by the State of Registry

**IS: 10.2.1.1(B) SAFETY CLAUSE EXAMPLE**

Example of Safety Clause (Extracted from ICAO Document 8335) that must be inserted into Air Service Agreements that allows operators to provide service to another State and vice versa.

- (a) Each Party may request consultations at any time concerning the safety standards maintained by the other Party in areas relating to aeronautical facilities, flight crew, aircraft and the operation of aircraft. Such consultations shall take place within thirty days of that request.
- (b) If, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in the areas referred to in paragraph 1 that meet the Standards established at that time pursuant to the Convention on International Civil Aviation (Doc 7300), hereinafter referred to as: the Convention, the other Party shall be informed of such findings and of the steps considered necessary to conform with the ICAO Standards. The other Party shall then take appropriate corrective action within an agreed time period.
- (c) Pursuant to Article 16 of the Convention, it is further agreed that any aircraft operated by, or on behalf of an airline of one Party, on service to or from the territory of another Party, may, while within the territory of the other Party be the subject of a search by the authorized representatives of the other Party, provided this does not cause unreasonable delay in the operation of the aircraft. Notwithstanding the obligations mentioned in Article 33 of the Convention, the purpose of this search is to verify the validity of the relevant aircraft documentation, the licensing of its crew, and that the aircraft equipment and the condition of the aircraft conform to the Standards established at that time pursuant to the Convention.
- (d) When urgent action is essential to ensure the safety of an airline operation, each Party reserves the right to immediately suspend or vary the operating authorization of an airline or airlines of the other Party.
- (e) Any action by one Party in accordance with paragraph 4 above shall be discontinued once the basis for the taking of that action ceases to exist.
- (f) With reference to paragraph 2 above, if it is determined that one Party remains in non-compliance with ICAO Standards when the agreed time period has lapsed, the Secretary General of ICAO should be advised thereof. The latter should also be advised of the subsequent satisfactory resolution of the situation.

**IS: 10.2.1.2 CONDITIONS FOR THE ISSUANCE OF A DOCUMENT OF AUTHORISATIONS, CONDITIONS AND LIMITATIONS**

- (a) The Authority shall, when evaluating an application by a foreign air operator to operate within the territory of Sint Maarten –
  - (1) Examine both the safety oversight capabilities and record of the Foreign Authority of the State of the Operator, and if different, the State of Registry; and
  - (2) The operational procedures and practices of the foreign air operator itself.

*Note: This is necessary in to have confidence in the validity of the certificates and licenses associated with the foreign air operator, its personnel and aircraft, the operational capabilities of the foreign air operator and*

*in the level of certification and oversight applied to the activities of the foreign air operator by the Foreign Authority of the State of the Operator.*

- (b) The Authority shall obtain information on the safety oversight capabilities, and the level of compliance with ICAO Standards, of the Foreign Authority of the State of the Operator by accessing information from the ICAO Universal Safety Oversight Audit Programme (USOAP). This information is available –
- (1) On the ICAO website <http://www.icao.int> and accessible through the Flight Safety Information Exchange (FSIX) – Safety Oversight Information – Audit Reports (1999-2004) or Audit Reports (Comprehensive Systems Approach);
  - (2) On the ICAO Safety Oversight Audit (SOA) Secure Site which is accessible, subject to a password available only to the Authority from ICAO, through the FSIX home page; and
  - (3) Subject to a password available only to the Authority from ICAO, by accessing audit summary reports from the USOAP audits available to the Authority on the ICAO-Net <http://www.icao.int/icaonet/>;
- (c) The Authority shall obtain and evaluate information on the foreign air operator. This information is available –
- (1) By applying to the Foreign Authority of the State of the Operator for reports of any inspections that may have been conducted; and
  - (2) By requesting access to reports of audits of a foreign air operator, conducted by independent aviation audit organizations and / or by other air operators, such as code-sharing partners. Such non-regulatory audits should be used in conjunction with other information such as a report from the ICAO Universal Safety Oversight Audit Programme (USOAP) or other inspection results to evaluate the application.
- (d) Foreign Air Operator's Application Form, Section 2 to be completed by the Authority -
- (1) In the case of significant negative findings and/or major deficiencies relevant to its review of the safety oversight capabilities and the level of compliance with ICAO Standards of the Foreign Authority of the State of the Operator, the Authority will engage in discussions with the Foreign Authority of the State of the Operator seeking resolution of the deficiencies prior to deciding whether to approve or not to approve the Foreign Air Operator Application Form and whether to approve or not to approve a Document of Authorizations, Conditions and Limitations.
  - (2) In the case of significant negative findings and/or major deficiencies relevant to its evaluation of the foreign air operator, the Authority shall not approve the foreign air operator's Foreign Air Operator Application Form and shall not issue a Document of Authorizations, Conditions and Limitations to the foreign air operator.

**Model of authorization letter for scheduled services**



SINT MAARTEN CIVIL AVIATION AUTHORITY  
MINISTERIE VAN TOERISME, ECONOMISCHE ZAKEN, VERKEER EN TELECOMMUNICATIE  
MINISTRY OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC & TELECOMMUNICATION



Date Philipsburg, Sint Maarten

Our Reference: Your Reference:

Type authorization:.....

Dear,

With reference to your application for route authorization dated ....., I am pleased to inform you on behalf of the Minister of Tourism, Economic Affairs, Traffic & Telecommunication of St. Maarten that ..... is authorized to conduct air service to Sint Maarten as specified in this authorization,

- I. In accordance with article 8 of the Aviation Act ..... is permitted to take on board and discharge passengers, baggage and cargo ("including mail) in Sint Maarten for valuable consideration on the authorized routes listed below.
- II. The authorized routes referred to in paragraph I. shall be operated in accordance with the agreement .....

***Authorized Routes***

- III. The ..... shall be undertaken in accordance with ..... aircraft listed in the operation specification under .....with the heading .....

Separate authorization shall be required for aircraft added after the date of issuance of this route authorization.

- IV. This ..... is issued to ..... on the basis of it holding a valid AOC. Any changes to the AOC made by the authority that issued and oversees the AOC shall be submitted by ..... in writing to the Sint Maarten Civil Aviation Authority within 30 days of such change.
- V. This ..... ceases to have effect upon expiry, suspension, revocation, cancellation or equivalent action in respect of the ..... AOC.
- VI. This ..... may be suspended or revoked in the event that the operating aircraft operates in contravention of statements provided as part of the application process or operation aircraft for which certification is no longer valid. In the event that such certificate expire during the currency of this route authorization ( for example, the insurance certificate) the airline is responsible for ensuring that new valid certificates are produced to the Sint Maarten Civil Aviation Authority in good time to avoid this authorization from becoming invalid.
- VII. This ..... shall come into force on ..... and supersedes any previous authorization relating to these services.

Sincerely,

---

Mr. Louis Halley, Department Head for Civil Aviation and Shipping and Maritime  
on behalf of  
The Minister of Tourism, Economic Affairs, Traffic & Telecommunication

Notice of Objection

Concerned parties may present a notice of objection within 6 weeks of the decision to the Minister of Tourism, Economic Affairs, Traffic and Telecommunication or seek an appeal of the decision to the Court of First Instance pursuant to article 54 and 55 of the National Decree on Administrative Law (LAR)

**Model of authorization letter for non- scheduled air services**



SINT MAARTEN CIVIL AVIATION AUTHORITY  
MINISTERIE VAN TOERISME, ECONOMISCHE ZAKEN, VERKEER EN TELECOMMUNICATIE  
MINISTRY OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC & TELECOMMUNICATION



Date

Philipsburg, Sint Maarten

Our Reference:

Your Reference:

Type authorization:

Dear,

With reference to your application to operate charter flights dated....., I am pleased to inform you on behalf of the Minister of Tourism, Economic Affairs, Traffic & Telecommunication of St. Maarten that ..... is authorized to operate charter flights with the ..... aircraft registered ..... with the following flight schedule;

***Flight schedule***


Sincerely,

\_\_\_\_\_  
Mr. Louis Halley, Department Head for Civil Aviation and Shipping and Maritime  
on behalf of  
The Minister of Tourism, Economic Affairs, Traffic & Telecommunication

Notice of Objection

Concerned parties may present a notice of objection within 6 weeks of the decision to the Minister of Tourism, Economic Affairs, Traffic and Telecommunication or seek an appeal of the decision to the Court of First Instance pursuant to article 54 and 55 of the National Decree on Administrative Law (LAR).