

Understanding New Compliance Requirements over Japanese Aerospace

By Jessica L. Dowty



Japan has issued Aeronautical Information Circular 007/19 (AIC) effective March 30, 2019 regarding falling objects from aircraft in order to prepare for the upcoming 2020 Olympic Games. With the increase in flights, more aircraft will be routed over cities. The new requirement applies to General Aviation aircraft over 5,700 kg (12,566 lbs) which plan to operate in or out of 31 different listed Japanese airports after March 30, 2019.

In order to comply with the AIC 007/19 requirements, first a “Statement to Prevent Objects Falling off Airplanes” must be signed and submitted to appropriate airports prior to each operation. An original copy of

the document must be in hand. In addition, a “Memorandum of Agreement on Relief for Damage caused by Falling Objects from Aircraft,” must be submitted to each airport only once prior to any operation. However, the aircraft owner can sign a power of attorney with a Japanese ground handler or other agent that would be responsible for submitting the required paperwork.

The signed statements certify that the aircraft owner will follow enhanced procedures to prevent objects from falling off of the plane, including:

- Daily inspection before and after flights
- Discharging excess fluids after servicing and ensuring lavatory and potable water doors are closed
- Inspecting for leakage and regular cleaning of fuel drain, which are prone to ice accumulation
- Removing rain and snow during cargo loading
- Following technical documents and service briefings on engine failure procedures to reduce risk of parts falling off

These statements create liability concerns that should be noted prior to execution. By executing these statements, the aircraft owner is accepting liability not only for anything falling off of its own aircraft, but also for objects falling off of other aircraft “[i]n case that [authorities are] unable to identify one specific aircraft which caused the damage by falling objects from aircraft.” In that particular situation, the “Falling Object Confirmation Committee established in Regional Civil Aviation Bureaus of Ministry of Land, Infrastructure, Transport and Tourism determines a presumably causing aircraft. . . The operator of the acknowledged aircraft shall bear the amount of expenses for

compensation of the damage, proportionally divided by the number of acknowledged aircraft.” This statement is extremely broad and may create liability for third party actions that are out of the aircraft owner’s control. The Japan AIC 007/19 should be reviewed by the aircraft owner’s insurance carrier to make sure that the appropriate coverages are in place, and that the aircraft owner is authorized to sign the statements under the current policies.

Jessica L. Dowty is an Associate Attorney at Cooling & Herbers, P.C. with a focus on tax and business planning, acquisitions, sales, leasing and financing arrangements and business ownership structuring for both domestic and international transactions. Ms. Dowty graduated from the University of Missouri- Kansas City School of Law in 2017 with an additional LLM degree in Taxation. Ms. Dowty is also currently working toward obtaining her private pilot’s license. For more information, please visit www.coolinglaw.com.