



**MINISTÈRE  
CHARGÉ  
DES TRANSPORTS**

*Liberté  
Égalité  
Fraternité*



# ILLEGAL FLIGHT

*Fight against illicit public air transport*

## ECCAA LEGAL SEMINAR

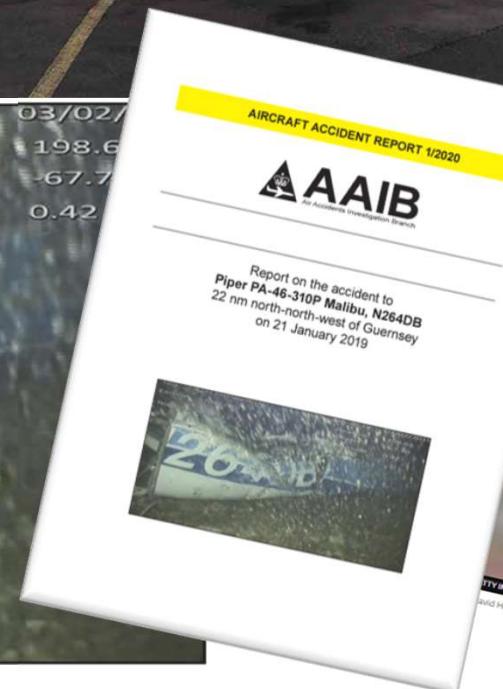
NOVEMBER 13TH & 14TH, 2025

ST. JOHNS, ANTIGUA & BARBUDA



# Why?

Sources, pictures: UK AAIB, Web page BBC



Emiliano Sala: Fatal flight organiser previously investigated

Emiliano Sala death

14 March 2022

Brilliano Sala had just signed with Cardiff City before the crash. The man who arranged a night that killed footballer Emiliano Sala had been investigated for illegal public transport flights, an inquest heard. Historical inquiry into David Henderson was undertaken years before the fatal accident in 2019. Civil Aviation Authority investigator Stephen Hunt said there was sufficient evidence to proceed. Sala and pilot David Ibbotson died when their plane crashed in the English Channel in 2019. Coroner's Court was told Henderson was not monitored following the fatal investigation.

Chris Mason: 'Labour's landslide unfolded overnight' 5 minutes ago

Labour's Keir Starmer becomes UK prime minister 5 minutes ago

Labour manifesto: What they plan to do in government 8 hours ago

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Features

In pictures: How Labour's landslide unfolded overnight 5 minutes ago

Key moments from a dramatic election night 8 hours ago

Labour manifesto: What they plan to do in government 8 hours ago

Amazon at 30: What next for 'The Everything Company?' 8 hours ago

# Why?



January 2024

**Type:** [Bellanca 17-30A Super Viking](#)  
**Owner/operator:** Private  
**Registration:** N4023B  
**MSN:** 75-30763  
**Year of manufacture:** 1974  
**Fatalities:** Fatalities: 4 / Occupants: 4  
**Other fatalities:** 0  
**Aircraft damage:** Destroyed  
**Category:** Accident  
**Location:** off Bequia -  [Saint Vincent and the Grenadines](#)



Speed Racer actor Christian Oliver and daughters die in plane crash

5 January 2024  
 By Max Matza, BBC News

Share 



German actor Christian Oliver and his two daughters were killed in a plane crash in the Caribbean, police say.

**Pilot :**

- Private US license
- Medical third class

# Illegal flight – Risk assessment

BEA

Bureau d'Enquêtes et d'Analyses  
pour la sécurité de l'aviation civile

Accident de l'avion CESSNA - 207  
immatriculé F-OSIA

survenu le 25 janvier 2019  
à Cayenne (Guyane)

Accident de l'hélicoptère Agusta Bell AB206  
immatriculé F-HGJL

survenu le 2 mai 2018  
à environ 35 NM dans le sud-ouest de Cayenne  
(Guyane)



Accident de l'avion PIPER - PA-46 - 350P  
immatriculé F-GUYZ survenu le 08 février  
2019 à l'altiport de Courchevel (73)

## Security and Safety Risk

### Less :

- *Of training,*
- *Procedures,*
- *Insurance coverage,*
- ...

- Passengers' lack of awareness
- Unfair competition against official carriers



*For DGAC, fight against illegal flight is a priority !*

# 1. DGAC – DSAC AG

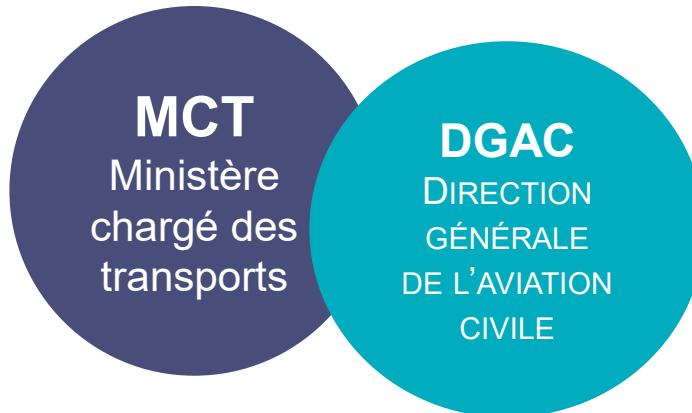


## ECCAA LEGAL SEMINAR

NOVEMBER 13TH & 14TH, 2025

ST. JOHNS, ANTIGUA & BARBUDA





**DSAC**  
FRENCH CIVIL  
AVIATION SAFETY  
DIRECTORATE

DSAC-AG  
DIRECTION DE LA  
SÉCURITÉ DE L'AVIATION  
CIVILE ANTILLES-  
GUYANE

**DSNA**  
DIRECTION DES  
SERVICES DE LA  
NAVIGATION  
AÉRIENNE

**FRENCH AIR  
NAVIGATION  
SERVICE  
PROVIDER**

**DTA**  
**AIR TRANSPORT  
DIRECTORATE**

**SG**  
SECRÉTARIAT  
GÉNÉRAL

**DTI**  
DIRECTION DE LA  
TECHNIQUE ET  
DE L'INNOVATION

**DGAC**  
TECHNICAL  
AND  
INNOVATION

## Regional footing

Inter-regional DSAC-AG represent DGAC in the country as a whole, on users' doorsteps.

### DSAC-AG is responsible, in these territories, for

- certification and monitoring of operators of airports and aircraft operated in the Martinique, Guadeloupe, Guyane and St Pierre and Miquelon regions,
- collection and analysis of security and safety events,
- sovereign missions of the minister responsible for civil aviation
- economic regulation and sustainable development of civil aviation

It also carry out State missions on behalf of the prefects and central government, such as monitoring compliance with environmental rules.



## 2. DGAC fight against Illegal flight

# Public Transport



Public air transport (i.e. commercial air transport) can be defined as the carriage by aircraft of passengers, cargo or mail, **for remuneration or other valuable consideration**, from a departure point to a point of destination.

More specifically, a *commercial operation*, which *include* public air transport, is defined as “any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator” (article 2 of Regulation (EU) No 965/2012 of 5 October 2012).

**Public air transport requires an operating license and an Air Operator Certificate (AOC).**

- ① Commercial Flight operated by certified operator without Traffic Rights
- ② Commercial Flight operated by a non-certified operator



# Main Legal references in public air transport applicable in France

## Public Air Transport

## Main Legal References

### European Law:

- **Regulation (EC) No 1008/2008 on operating licenses:**  
Article 2 (definition and derogation), Article 3 (mandatory nature), Article 4 (conditions to be met by the company).
- **Regulation (EU) 2018/1139 (air safety requirements) and its implementing regulations:**
  - Air operations: Regulation (EU) No 965/2012 known as “Air OPS”;
  - Flight crew: Regulation (EU) No 1178/2011 known as “Aircrew”;



### French Law:

- **Transport Code (including since nov 2023 the Civil Aviation Code)**
  - **Operating license:** Articles L. 6412-1 and L. 6412-2 (principles), Article R. 330-1 (competence for issuance and exemptions), Articles R. 330-2, R. 330-3 and R. 330-5 (conditions to be met by the company), Article R. 330-4 (exercise of rights over aircraft registered in France).
  - **AOC:** Articles L. 6412-2, R. 330-1 and R. 133-1-4° (mandatory nature), Article R. 133-1-1 (technical investigation), Article R. 330-1 III.

### List of carriers holding AOC/Operating License issued by France:

[https://www.ecologie.gouv.fr/sites/default/files/Lista\\_companias\\_aerienas\\_francaises\\_autorizadas.pdf](https://www.ecologie.gouv.fr/sites/default/files/Lista_companias_aerienas_francaises_autorizadas.pdf)

# Private Vs Public Transport Flight

*The beginning of illegal flight*



## Concept of private flight

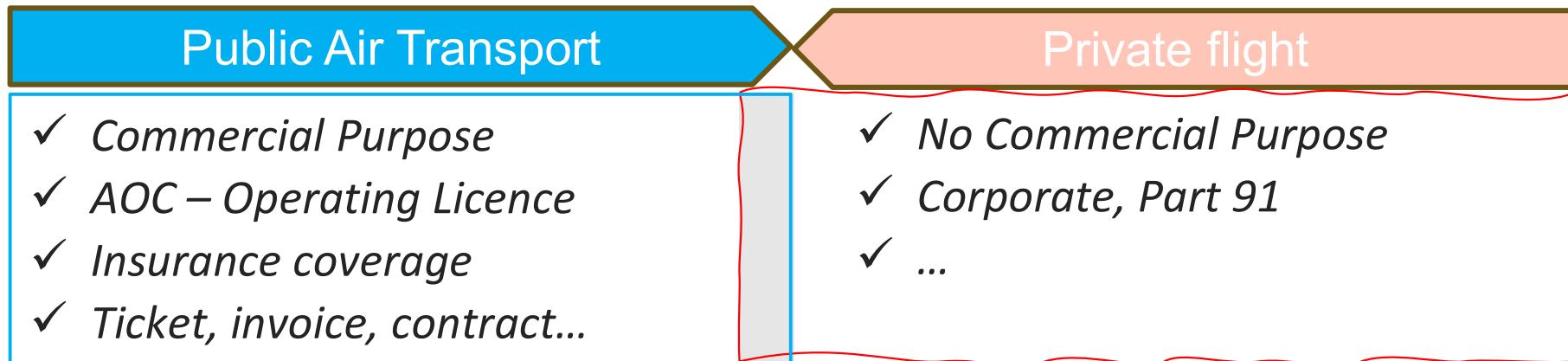
Private air transport is not defined by French national law. A flight is considered private when it has **no commercial purpose**.

Some flights carrying passengers are considered private, either by derogation or because they are not of a commercial nature:

- Cost-shared flights
- Transport organised by a public or private person for their own private use: passengers are carried free of charge
- Operation of aircraft under shared or fractional ownership, or by members of a closed structure (association, economic interest group, ...)
- Dry lease: the provision by a lessor of an aircraft without flight crew (especially pilot), is not in the scope of public air transport and is not subject to any obligations under aviation regulations.

**The line is often thin with public transport**

## Concept of private flight



***The line is often thin with public transport***



Effective methodologies for identifying  
and investigating illegal operations ?



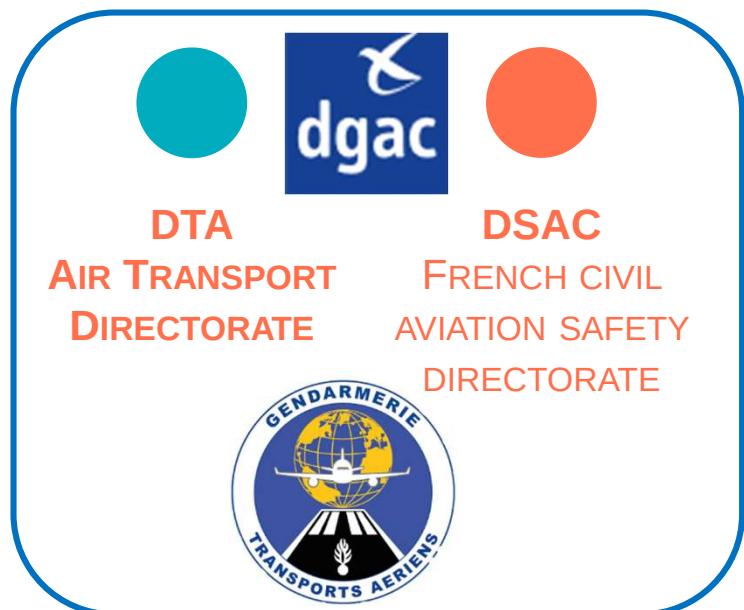
# Action Plan – Fight illegal flight

For DGAC, fight against illegal flight is a priority !



# Action Plan – Fight illegal flight

## The actors



Leads the national action plan, providing regulatory and legal expertise. In charge of **Administrative commission**.



Handles local cases. A designated contact person for illegal flight. In charge of **Disciplinary commission**.



The Air Transport Gendarmerie is responsible for the safety and security of civil aviation, as well as **investigation**.



# Action Plan – Fight illegal flight

## Training

PROGRAMME	
<p>JOUR 1</p> <p><u>MATIN (TPI)</u></p> <p>INTRODUCTION GENERALE</p> <p>INTRODUCTION TPI</p> <p>I/ RAPPEL DES BASES LÉGALES ET RÉGLEMENTAIRES</p> <p>II/ LE PILOTE ET LE TPI</p> <p>III/ TYPOLOGIE DES SITUATIONS LÉGALES SUSCEPTIBLES DE TPI</p> <p><u>APRES-MIDI (TPI)</u></p> <p>III/ TYPOLOGIE DES SITUATIONS LÉGALES SUSCEPTIBLES DE TPI (SUITE)</p> <p>IV/ LES ENJEUX</p> <p>V/ LA LUTTE CONTRE LE TPI</p>	<p>JOUR 2</p> <p><u>MATIN (TI)</u></p> <p>I/ LES ENJEUX DE LA LTI</p> <p>II/ LES OBJECTIFS DE L'INTERVENTION</p> <p>III/ LA DÉFINITION DU TI</p> <p>IV/ LES COMPÉTENCES DES PARTENAIRES EN MATIÈRE DE TI</p> <p>V/ LES PRINCIPALES SITUATIONS DE FRAUDE ET LES SANCTIONS APPLICABLES (JUDICIAIRES ET ADMINISTRATIVES)</p> <p><u>APRES-MIDI (TPI ET TI)</u></p> <p>IDENTIFIER UNE SITUATION DE TPI → MISE EN SITUATION</p>

A specific training program has been developed for the various actors :

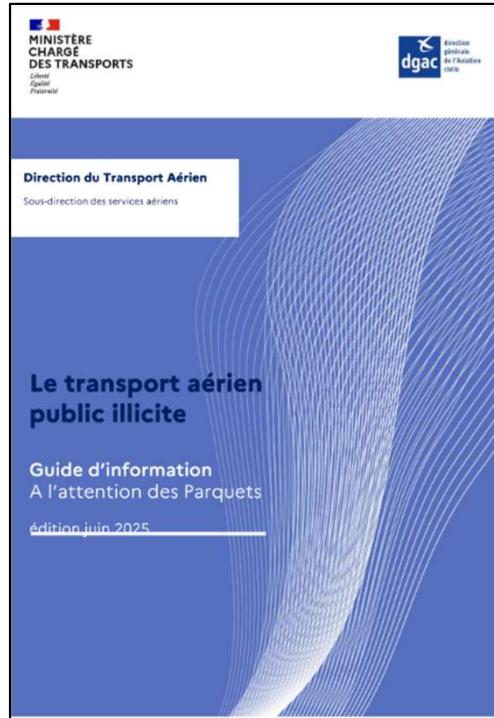
- Inspectors
- Gendarmerie du transport aérien

...

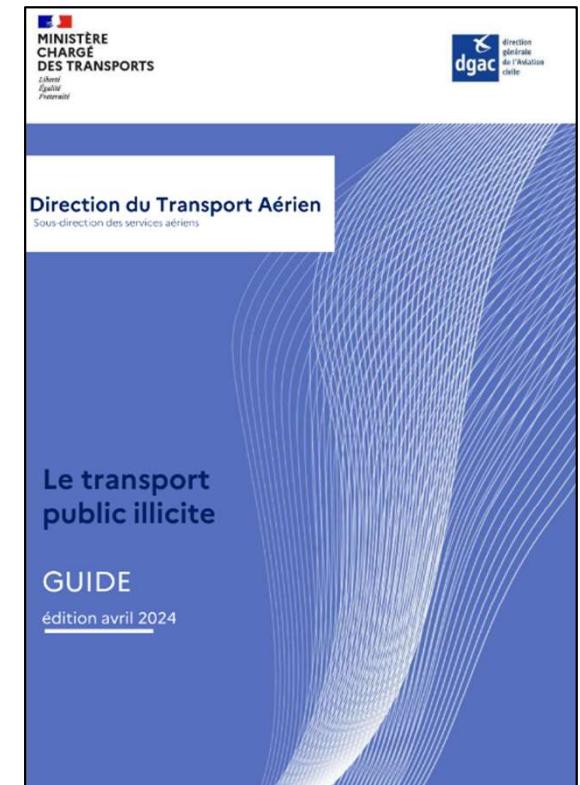
# Action Plan – Fight illegal flight

It is also necessary to raise awareness among **magistrates** about illegal public transport.

→ Drafting a guide specifically for them.



## Internal guide



# Action Plan – Fight illegal flight

## Communication

Publié le 12 janvier 2022 | Mis à jour le 04 novembre 2025 | Temps de lecture : 9 minutes

### Transport public ou privé

Compagnies aériennes

Partager la page



SOMMAIRE

1. Transport aérien public
2. Transport aérien privé
3. Exploitation d'aéronefs en propriété partagée ou fractionnée, transport public ou privé ?
4. Transport public illicite
5. Sanctions administratives pour transport aérien public sans licence d'exploitation

FR

Le transport aérien public est une activité réglementée qui doit notamment offrir des garanties en termes de sécurité. Au sein de l'Union européenne, il ne peut être proposé que par un transporteur respectant les exigences requises. A la notion de transport public s'oppose celle de transport privé, qui exclut tout caractère commercial.

#### Transport aérien public

Le transport aérien public peut se définir comme le fait d'acheminer par aéronef des passagers, des marchandises ou du courrier, à titre onéreux, d'un point d'origine à un point de destination. A de rares exceptions près (voir infra, cas particuliers), seules les entreprises disposant d'une licence d'exploitation et d'un certificat de transporteur aérien (CTA) délivrés par les autorités d'un Etat membre de l'Union européenne sont autorisées à transporter, contre rémunération, des passagers ou des marchandises par voie aérienne.

En France, il revient à la DGAC de délivrer ces autorisations, nécessaires à la création d'une compagnie aérienne.

La liste des compagnies aériennes françaises autorisées recense les transporteurs français détenant certificat de transporteur aérien et licence d'exploitation.

PASSAGERS,  
DONNEURS D'ORDRES,  
**VOTRE VOL EST-IL  
LÉGAL ?**



Vous, votre employeur, un(e) ami(e),  
avez réservé ou organisé un vol sur un  
avion léger, un hélicoptère ou un jet, dans  
un cadre PRIVÉ, qu'il soit d'AFFAIRES  
ou de LOISIRS.

ÊTES-VOUS CERTAIN QUE CETTE  
PRESTATION EST DÜMENT AUTORISÉE ?

[Transport public ou privé | Ministères Aménagement du territoire Transition écologique](#)

# Effective methodologies for identifying and investigating illegal operations

## Control Investigation



**GENDARMERIE NATIONALE**

**ENQUÊTE PRÉLIMINAIRE**  
**PROCÈS-VERBAL DE SYNTHÈSE**

BGTA LE-RAIZET  
Code unité Nbr P.V. Année Nbr dossier Justice  
6797 2024 2024

Nbr pièce 1 Nbr feuillet 1 / 2

Le vendredi 13 juin 2025  
Nous soussigné Adjudant . Officier de Police Judiciaire en résidence à LES ABYMES 97139  
Vu les articles 16 à 19 et 75 a r/s du Code de Procédure Pénale.  
Nous trouvant au bureau de notre unité à LES ABYMES 97139, rapportons les opérations suivantes :

**PRÉAMBULE**  
Le 16 mai 2024, nous trouvons sur l'aérodrome du Raizet Pointe à Pitre à LES ABYMES(974), nous procérons au contrôle de deux passagers aériens en provenance de ST BARTHÉLEMY. Selon les premiers éléments recueillis il pourra s'agir d'un transport public illicite de passager et non d'un vol privée.

**EXPOSÉ DES FAITS**  
Monsieur et madame \_\_\_\_\_ résident à ST BARTHÉLEMY. Dans le cadre d'un voyage vers la métropole, ils s'adressent à la société EOS, qui est une société de location d'avion, pour effectuer la liaison aérienne comprise entre ST BARTHÉLEMY et POINTE A PITRE. Selon leurs dires, la société de location d'avion aurait organisé le voyage en fournissant l'avion et le pilote. Au regard de la législation il s'agirait d'une opération d'affrètement nécessitant un certificat de transporteur aérien et une licence d'exploitation. Or la société EOS ne détient ni la licence d'exploitation ni le certificat de transporteur aérien.

**ENQUÊTE**  
Un procès-verbal de saisine est établi. Pièce 2

Le couple \_\_\_\_\_ a payé la somme totale de 1648 euros pour leur trajet aérien entre ST BARTHÉLEMY et POINTE A PITRE. La société EOS a facturé la location d'avion pour un montant de 1248 euros. Le pilote, \_\_\_\_\_, a facturé, via sa société \_\_\_\_\_, sa prestation de pilotage pour un montant de 400 euros. Pièce 3

Sur la base des éléments recueillis au cours du contrôle, la direction de la sécurité de l'Aviation Civile Antilles Guyane détermine que le vol opéré, par \_\_\_\_\_, serait une opération d'affrètement nécessitant les autorisations idoines. Pièce 4

Madame J \_\_\_\_\_, Procureure Adjointe du Parquet de POINTE A PITRE (971), est informée de notre saisine et de nos investigations. Pièce 5

Le 16 mai 2024, \_\_\_\_\_ aurait opéré 04 vols différents sur l'avion de la société \_\_\_\_\_ au profit de 04 autres passagers. Pièce 6 et annexe

Dans le cadre de la procédure, il est impératif que le couple \_\_\_\_\_ confirme les renseignements donnés par voie orale le jour du contrôle. A ce titre, nous avons tenté de les joindre à plusieurs reprises (messages vocaux téléphoniques, messagerie électronique, avis de passage). A ce jour, nous n'avons reçu aucune des factures liées au vol aérien et aucune réponse de leur part. Pièce 7

L'Officier de Police Judiciaire

**Minutes**

**DGAC Expertise**

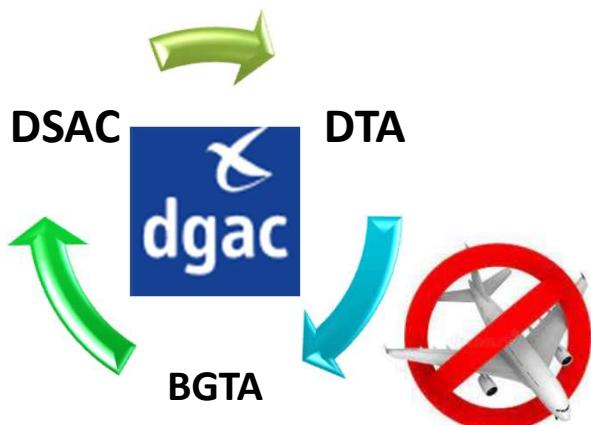
*During ramp checks, GTA may raise a suspicion of illegal public transport. They then conducts a more in-depth investigation : verification of documents, interviews with the pilot, passengers, verification of the pilot's license, investigations into the price paid by passengers, etc.*

- ✓ DGAC
- ✓ Prosecutor's office



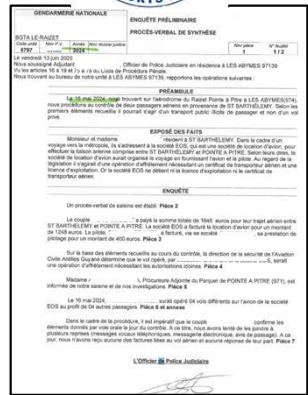
# Case studies of particular success and persistent difficulty

- various cases based on a distorted concept of Private Flight
- Difficulties in characterizing the flights
- Passengers are informed



Type of Flight	Characterization of the Infraction	Recurring Issues
① Charter organized by a pilot	Pilot remuneration (net income, funding of flight hours)	No invoice Passengers coached by the pilot in their statements during police checks
② Dry lease reclassified as charter organized by a principal	Link between pilot and aircraft lessor	Presentation of two falsely distinct invoices
③ Flight on behalf of a company	Transport of passengers or goods with no connection to the company	
④ Aerial work flight	Transport of passengers or goods unrelated to the mission	
⑤ Cost-sharing flight	Flights for companies Inclusion of round-trip costs for a flight with only one leg Pilot remuneration exceeding direct costs	

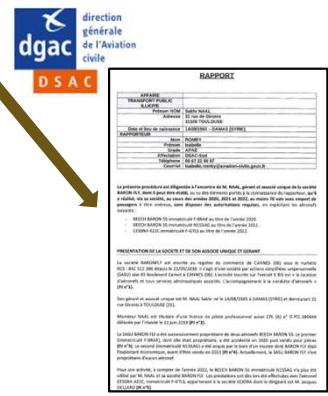
**A few non-exhaustive examples**



Minutes



Disciplinary report



Administrative report

# The procedures for sanctionning

## 3 Procedures :

### 1. Disciplinary procedure



- Private Pilot
- Professional Pilot



### Sanctions

*Suspension  
Withdrawal*

### 2. Judiciary procedure



- Illegal public transport without AOC
- Hidden work



*Fine  
Jail*

### 3. Administrative procedure



- Illegal public transport without Operating Licence  
(National commission)



*Fine*

**Many Times, ressources, ...**



# The procedures for sanctionning

## *Sanction Mechanisms*



### *Judicial:*

**Article L6232-6 Transport Code**

**Maximum: €75,000 fine**

*Additional penalty possible:  
1 year of imprisonment*

### *Administrative:*

**Article R 6432-6 Transport Code**

**Physical person**

**Maximum: €1,500 fine**

**Legal entity :**

**Maximum: €7,500 fine**

These limits are doubled in the event of a further violation committed within one year from the date on which the administrative penalty imposed for a previous violation of the same nature became final.



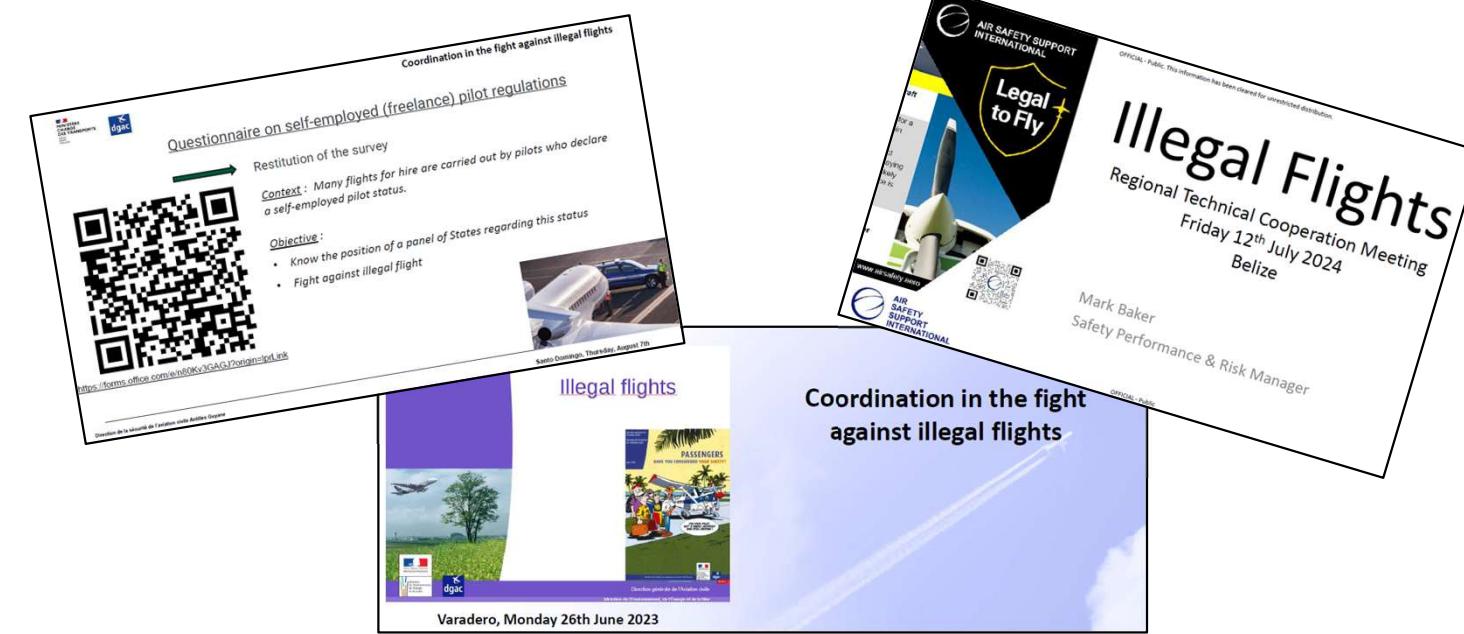
## Examples of sanctions

Case #	Person(s) involved	Period of offense	Judicial Sanctions	Administrative Sanctions	Disciplinary Sanctions
1	Mr. P	January 2015 to March 2018	<b>December 2024:</b> 6-month suspended prison sentence Confiscation of <u>€8,000</u> Fine: €1,000 (Additional penalty: publication of conviction in the press)	<b>July 2022:</b> Fine of <u>€22,650</u> (appeal to administrative court rejected)	<b>September 2021:</b> <u>License revoked</u> for 3 years
2	Mr. V and Company F.	August 2020 to May 2021	<b>February 2025:</b> 2 years in prison Fine: <u>€11,000</u> (including €4,000 suspended) 3-year ban from activity related to the offense Permanent closure of the company (Appeal pending – Mr. V)	<b>June 2022:</b> Fine of <u>€16,100</u>	<b>March 2022:</b> <u>License revoked</u> for 3 years
3	Mr. F	September to November 2022	<b>April 2023:</b> Fine of <u>€3,000</u> (including €1,500 suspended) (Criminal settlement)	<b>October 2023:</b> Fine of <u>€7,500</u>	<b>November 2024:</b> <u>License suspended</u> for 2 years (1 year suspended)
4	Mr. R	October 2023 and March 2024	<b>November 2024:</b> Fine of <u>€4,600</u> (including €1,000 suspended)	<b>April 2025:</b> Fine of €2,000	To be scheduled
5	Mr. T/ R/ Company L	December 2021 to March 2023	<b>September 2025:</b> T and R: Fine of <u>€8,000</u> (including €4,000 suspended) Company: Fine of <u>€10,000</u> (including €1,000 suspended)	<b>July 2025:</b> T: Fine of <u>€9,000</u> R: <u>€56,000</u> Company: <u>€415,000</u>	Scheduled for November 2025

# Cooperation

## Régional Technical Cooperation Committee (RTCC)

- Illegal flight is a regular topic on the RTCC meeting
- Working Group** on Illegal Flight (leads by ASSI/France)
- Many contact with **FAA**



Le 7 août, grâce à l'accueil chaleureux de l'IDAC à Saint Domingue en République Dominicaine la Direction Generale de l'Aviation Civile a participé et animé la 4ème réunion du comité de coopération... | Ravo Randria

# Cooperation



**Is your flight **SAFE**, is it **LEGAL**?**

*Fare paying passenger on non-scheduled flight in a light aircraft or business jets?*

Flying for business or for leisure? If you, or your employer have paid for a flight in a light aircraft or business jet then your flight must meet certain commercial aviation safety standards.

The organisation or person operating your flight must have the correct certificates, insurance and licences no matter where they are from. Paying for a flight without these could have serious safety implications. It is likely you are not insured by those offering the flight and your own insurance is invalid.

**Make sure you are safe!**  
**Ask for proof of an Air Operator Certificate (AOC) or Air Carrier Certificate**

For further information visit the Air Safety Support International website: [www.airsafety.aero](http://www.airsafety.aero)



AIR SAFETY SUPPORT  
INTERNATIONAL



# Cooperation

## Is your flight **SAFE**, is it **LEGAL**?



Make sure your flight is protected. There are people only too willing to exploit the good faith of paying passengers for a quick profit. Help us stamp out this illegal and dangerous activity by only using approved operators. We work closely with other civil aviation authorities in the region, including the US Federal Aviation Administration (FAA) to protect everyone.



You should find out who is actually providing the flight (the operator). The company who sold you the flight (the ticket seller) may be a different. By law you must be told the name of the operator. You should also ask for the name and qualifications of the pilot.



Any company, organisation or person that operates commercial air transport flights must have permission from their country's Civil Aviation Authority (CAA). They need an Air Operator Certificate (AOC) or, for the US FAA, an Air Carrier Certificate. This proves they meet all relevant commercial aviation safety and insurance requirements. They are regularly inspected and audited by their CAA, and their pilots need to hold commercial pilot licences.

For further information visit the Air Safety Support International website: [www.airsafety.aero](http://www.airsafety.aero)



AIR SAFETY SUPPORT  
INTERNATIONAL



If a flight has been arranged for you, and you are not sure about the status of that flight, do not assume it is legal. Do your own research. Find out if the operator has an AOC or Air Carrier Certificate. If you are told the operator does not need an AOC or Air Carrier Certificate, ask why not.



If you have any concerns, or you have been offered an illegal flight contact us at [enquiries@airsafety.aero](mailto:enquiries@airsafety.aero)

Details of US licensed commercial business jet/light Air Carrier Certificate holders and their registered commercial aircraft can be found at: [www.faa.gov/initiatives/safecharteroperations/thinking-chartering-aircraft](http://www.faa.gov/initiatives/safecharteroperations/thinking-chartering-aircraft)

**STAY SAFE,  
STAY LEGAL**



# Cooperation



## COMBATING ILLEGAL AVIATION ACTIVITIES EXPERIENCE AND COOPERATION PERSPECTIVES WITH DSAC

Virtual Meeting between ANAC (Brazil) and DSAC (France)  
November 7, 2025



SFI/ANAC  
Department of Intelligence and  
General Inspectorate



### PURPOSE OF THE MEETING



#### We seek for:

Exchange experiences and best  
practices in enforcement operations

Discuss challenges in surveillance and  
intelligence activities

Explore opportunities for bilateral  
collaboration between our authorities

This meeting aims to strengthen  
technical cooperation between the  
Brazilian National Civil Aviation  
Agency (ANAC) and the French Civil  
Aviation Directorate (DSAC), focusing  
on the prevention, detection, and  
enforcement of illegal or  
unauthorized civil aviation  
operations.

## Data sharing ?

- Only public information can be shared at this time
- Legal aspects to consider

In cases involving foreign licensed pilots  
Judiciary procedure



information to the foreign authority for  
possible action on the pilot's license

- Regulations, Guidance, procedures, ...



## ECCAA LEGAL SEMINAR

NOVEMBER 13TH & 14TH, 2025

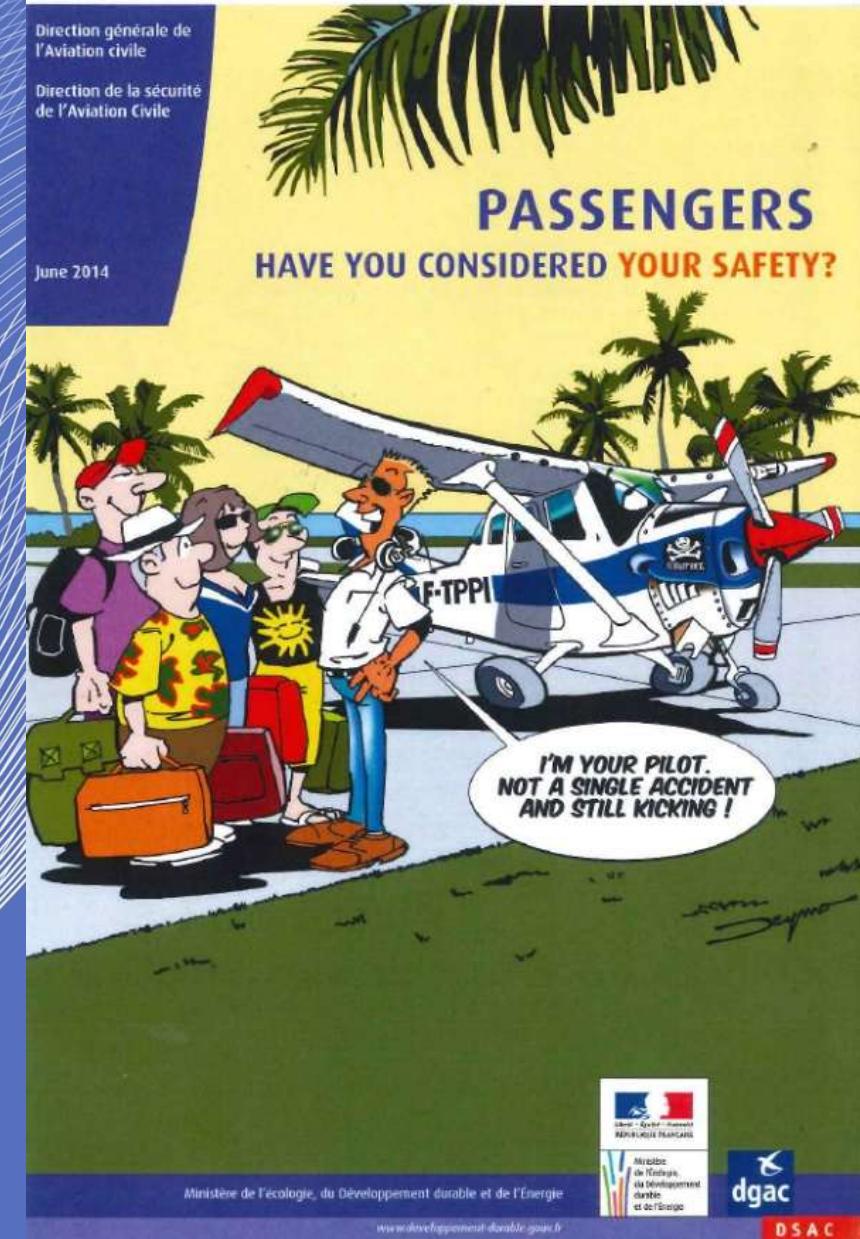
ST. JOHNS, ANTIGUA & BARBUDA



Direction générale de  
l'Aviation civile

Direction de la sécurité  
de l'Aviation Civile

June 2014



DSAC