

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

Application of)
)
)

AVCON JET AG)

) Docket DOT-OST-2008-0309
)
)

for an exemption from and a foreign air carrier permit)
pursuant to 49 U.S.C. § 41301 (EU-U.S. open-skies))
)

**APPLICATION OF AVCON JET AG
FOR A FOREIGN AIR CARRIER PERMIT**

Communications with respect to this document should be addressed to:

Maximilian Maruna
Accountable Manager/COO
AVCON JET AG
Wohllebengasse 12-14
1040 Vienna
Austria
Telephone: +43 676 83211 309
E-mail: m.maruna@avconjet.at

Rachel Welford
Attorney
Jonathan Echmalian
Senior Aviation Adviser
COZEN O'CONNOR
1200 19th Street, NW
Washington, DC 20036
Telephone: +1 202 463 2514
E-mail: rwelford@cozen.com
 jechmalian@cozen.com

February 20, 2020

NOTICE: Any person may support or oppose this application by filing an answer and serving a copy of that answer on Avcon Jet AG and on all persons served with this application. Answers are due March 12, 2020.

**BEFORE THE
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DATED: February 20, 2020

**APPLICATION OF AVCON JET AG
FOR A FOREIGN AIR CARRIER PERMIT**

Avcon Jet AG (“Avcon” or the “Applicant”) hereby applies under 49 U.S.C. §§ 41301 and 41302, Subpart B of the Department’s Rules of Practice (14 C.F.R. §§ 302.201 *et seq.*), the U.S.-EU Reciprocal Recognition Procedures,¹ and the Streamlined Licensing Procedures² for a foreign air carrier permit authorizing Avcon to engage in charter foreign air transportation of persons, property, and mail to and from points in the United States to the full extent permitted by its homeland operating authority and the EU-U.S. open-skies agreement, as well as other charters pursuant to the prior approval requirements set forth in the Department’s regulations (14 C.F.R. Part 212), as more fully described herein.

Avcon is a well-established and growing European business aviation company that provides aircraft management and charter service to global destinations. Avcon has held DOT

¹ See DOT Notice, “Application Procedures for Foreign Air Carriers of the European Union,” dated February 19, 2009.

² See DOT Notice in Docket DOT-OST-2005-22228, dated August 23, 2005. Avcon requests that the Department grant this application under the show-cause procedures described in that Notice by issuing a single Order that concurrently (a) renews exemption authority to Avcon, as requested in its February 10, 2020 exemption renewal application filed in this docket, for a period of two years, or until the effective date of the Applicant’s foreign air carrier permit, whichever occurs first, and (b) tentatively awards Avcon a foreign air carrier permit. As soon as possible thereafter, Avcon requests that the Department issue a Final Order issuing Avcon its EU-U.S. open-skies foreign air carrier permit for a period of indefinite duration.

exemption authority since 2008, which was last renewed on May 4, 2018, for a two year period through May 4, 2020, authorizing it to engage in: 1) foreign charter air transportation of persons and property from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to a point or points in the United States and beyond; 2) foreign charter air transportation of persons and property between any point or points in the United States and any point or points in any member of the European Common Aviation Area; and 3) other charters pursuant to the prior approval requirements set forth in 14 CFR Part 212.³ Avcon is applying for comparable, indefinite permit authority under the U.S.-EU Reciprocal Recognition Procedures and the Department's Streamlined Licensing Procedures to avoid the need to apply for future exemption renewals.

In support of this application and in compliance with the U.S.-EU Reciprocal Recognition Procedures, Avcon states as follows:

1. *The name and address of the applicant.*

Avcon Jet AG
Wohllebengasse 12-14
1040 Vienna
Austria

2. *Statement of the authority sought.*

Avcon requests issuance of a foreign air carrier permit authorizing the Applicant to engage in the following:

- foreign charter air transportation of persons, property, and mail from any point or points behind any Member State of the European Union, via any point or points in any EU Member State and via intermediate points, to any point or points in the United States and beyond;

³ Notice of Action Taken (Docket DOT-OST-2008-0309), May 4, 2018.

- foreign charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area;
- foreign charter air transportation of cargo between any point or points in the United States and any other point or points;
- other charters pursuant to the prior approval requirements set forth in the Department's regulations governing charters; and
- charter transportation authorized by any additional route rights made available to European Union carriers in the future, to the extent permitted by the Applicant's homeland license on file with the Department.

3. *Evidence of the Applicant's operating authority.*

Attached as Exhibit AOJ-1 is Operating License No. GZ. BMVIT-51.228/0016-IV/L2/2017 issued by the Austrian Ministry for Transport, Innovation and Technology, Department of Civil Aviation, on September 22, 2017, which authorizes Avcon to carry passengers, mail, and/or freight in commercial air transportation. Attached as Exhibit AOJ-2 is Air Operator Certificate ("AOC") No. A-117 issued by Austro Control GmbH on October 10, 2014, authorizing Avcon to perform passenger/cargo commercial air transport operations on a worldwide basis. Avcon will maintain and amend appropriate Operations Specifications associated with its AOC and will otherwise continue to update and renew its Operating Licence and AOC as necessary.

4. *Name of the foreign air transport authority involved.*

Austro Control
Österreichische Gesellschaft für Zivilluftfahrt
mit beschränkter Haftung
Wagramer Straße 19
1220 Wien
Austria

5. *Statement that the Applicant's insurance coverage meets or exceeds the liability limits of 14 C.F.R. Part 205.*

The Applicant's insurance coverage meets or exceeds the liability limits of 14 C.F.R. Part 205, as reflected in the Certificate of Insurance on file with the FAA, attached as Exhibit AOJ-3.

6. *Copies of signed OST Form 4523 (waiver of liability limits under the Warsaw Convention).*

Attached as Exhibit AOJ-4 is a copy of signed OST Form 4523, which will also be filed in Docket DOT-OST-1995-236.

ADDITIONAL INFORMATION

Energy Information. In light of the on-demand nature and limited scope of its ongoing and proposed additional business aircraft operations, the services anticipated by Avcon will not involve a near-term net annual change in aircraft fuel consumption exceeding 10 million gallons, meaning approval of this application would not constitute a "major regulatory action" under the Energy Policy and Conservation Act, as implemented by 14 C.F.R. Part 313. The Applicant does not anticipate encountering any difficulty in obtaining adequate supplies of fuel for its *ad hoc* services from existing sources.

Family Support Plan and Passenger Manifest Information. Avcon intends to continue to provide its on-demand services solely with small business jet aircraft and thus is not submitting a plan to address the needs of families of passengers involved in aircraft accidents pursuant to 49 U.S.C. § 41313(c), or a statement summarizing how it would collect the passenger manifest information required by 14 C.F.R. Part 243 and transmit the information to the Department of State in the event of an aviation disaster. In the event Avcon expands its fleet to include large aircraft in the future, it will make the necessary submissions.

WHEREFORE, Avcon Jet AG requests that the Department promptly approve this application and issue a foreign air carrier permit pursuant to the U.S.-EU Reciprocal Recognition Procedures and the Streamlined Licensing Procedures, as described herein, and grant such further and additional relief as the public interest may require.

Respectfully submitted,



Rachel Welford
Attorney
Jonathan Echmalian
Senior Aviation Adviser
COZEN O'CONNOR
1200 19th Street, NW
Washington, DC 20036
Telephone: +1 202 463 2514
E-mail: rwelford@cozen.com
jechmalian@cozen.com

Dated: February 20, 2020

Exhibit AOJ-1

Operating Licence

Republik Österreich
Bundesministerium für Verkehr,
Innovation und Technologie
Oberste Zivilluftfahrtbehörde

Republic of Austria
Ministry for Transport,
Innovation and Technology
Department of Civil Aviation



Betriebsgenehmigung - Operating Licence

Dem Luftfahrtunternehmen **Avcon Jet AG**
The air carrier

mit Sitz in **A-1040 Wien, Wohllebengasse 12-14**
headquarters in

wird auf Grund der Verordnung (EG) Nr. 1008/2008 die Genehmigung erteilt
herewith shall be authorized, according to Regulation (EC) No. 1008/2008

Fluggäste, Post und/oder Fracht im gewerblichen Luftverkehr zu befördern.
to carry passengers, mail and/or freight in commercial air transportation.

Das Luftfahrtunternehmen ist registriert unter der Lizenznummer:
The carrier is registered under licence number:

GZ. BMVIT-51.228/0016-IV/L2/2017

Im Rahmen dieser Genehmigung ist das Luftfahrtunternehmen berechtigt, die in dem jeweils gültigen Luftverkehrsbetreiberzeugnis angeführten Luftfahrzeuge gemäß den jeweiligen Betriebsvoraussetzungen einzusetzen.

Within the scope of this licence the air carrier shall be authorized to use those aircraft listed in the Air Operator Certificate in force according to the Operations Specifications.

Wien, am 22. September 2017
Für den Bundesminister:
For the Federal Minister:
Mag. NONNENMACHER



Exhibit AOJ-2

Air Operator Certificate

LUFTVERKEHRSBETREIBERZEUGNIS

(Zulassung für Luftverkehrsbetreiber)

AIR OPERATOR CERTIFICATE
(Approval schedule for air operators)

Betriebsarten:

Types of operation:

Gewerblicher Luftverkehr (CAT):
Commercial air transport:



Fluggäste
Passengers



Fracht
Cargo



Andere:
Other:

	Republik Österreich Republic of Austria	
	Austro Control Österreichische Gesellschaft für Zivilluftfahrt mbH	
AOC-Nr.: AOC: A-117	Avcon Jet AG Wohllebengasse 12-14, 3. Stock 1040 Wien Telefon: +43 1 505 47 47 0 Fax: +43 1 505 47 47 349 E-mail: office@avconjet.at	Betrieblicher Kontakt: Operational points of contact: Kontaktdaten, unter denen das betriebliche Management ohne unangemessene Verzögerung erreicht werden kann, sind aufgeführt in: Contact details, at which operational management can be contacted without undue delay, are listed in: Operations Manual Part A, Chapter 1.2.
<p>Hiermit wird bescheinigt, dass This certificate certifies, that</p> <p>Avcon Jet AG</p> <p>berechtigt ist, gewerblichen Luftverkehr, wie in den beigefügten Betriebsvoraussetzungen festgelegt, gemäß dem Betriebshandbuch, Anhang IV der Verordnung (EG) Nr. 216/2008 und ihrer Durchführungsbestimmungen, durchzuführen.</p> <p>is authorised to perform commercial air transport, as defined in the attached operations specifications, in accordance with the operations manual, Annex IV to Regulation (EC) No 216/2008 and its Implementing Rules.</p>		
Datum der Ausstellung: Date of issue: 10.10.2014	Name und Unterschrift: Name and signature: Horst Hasenhütl MSc, MSD Titel: Title: Abteilung Lufttüchtigkeit / Zertifizierung, Flugbetrieb und Technische Organisationen	

Exhibit AOJ-3

Certificate of Insurance



Office of the Secretary
of Transportation

AGENCY DISPLAY OF ESTIMATED BURDEN

The public reporting burden for this collection of information is estimated to average 30 minutes per response. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to: U.S. Department of Transportation, Office of Aviation Analysis, X-56, 400 7th St., SW., Washington, D.C. 20590. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTE: For information on where to file completed copies of this form, see **FILING INSTRUCTIONS** below.

OMB No. 2106-0030 Expires 9-30-2007

FOREIGN AIR CARRIERS - CERTIFICATE OF INSURANCE

POLICIES OF INSURANCE FOR AIRCRAFT ACCIDENT BODILY INJURY AND PROPERTY DAMAGE LIABILITY

FILING INSTRUCTIONS: File a signed original of this form with the Federal Aviation Administration, Air Transportation Div., AFS-260, 800 Independence Ave., SW., Washington, DC 20591. (See **EXCEPTION** below.)

EXCEPTION: If Section 2.A. is filled in because the insured is a *Canadian Charter Air Taxi Operator*, file an original of this form with the U.S. Department of Transportation, Special Authorities Division (X-46), 400 7th Street, SW, Washington, D.C. 20590

(Please type information, except signatures.)

THIS CERTIFIES THAT:

XL Insurance Company SE, Direktion fuer Deutschland

(Name of Insurer)

has issued a policy or policies of Aircraft Liability Insurance to
AVCON JET AG

Wohllebengasse 12-14, 1040 Wien, Austria

FAA Certificate

Number TBA

(Name, address and FAA Certificate number of Insured Foreign Air Carrier)

effective from 01st April 2019 until ten (10) days after written notice from the insurer or carrier of the intent to terminate coverage is received by the Department of Transportation.

NOTE: Part 205 of the Department's Regulations does not allow for a predetermined termination date, and a certificate showing such a date is unacceptable.

The Insurer (Check One):

- ☐ is licensed to issue aircraft insurance policies in the United States;
- ☒ is licensed or approved by the government of Germany to issue aircraft insurance policies; or
- ☐ is an approved surplus line insurer in the State(s) of _____

The insurer assumes, under the policy or policies listed below, aircraft accident liability insured to minimums at least equal to the following during operation, maintenance, or use of aircraft in "foreign air transportation" as that term is defined in 49 U.S.C. 40102.

(Complete applicable section A, B, or C below):

A. CANADIAN CHARTER AIR TAXI OPERATORS WITH PART 294 AUTHORITY ONLY

The aircraft covered by this policy have: (1) 30 or fewer passenger seats and a maximum payload capacity of 7,500 pounds or less; and/or (2) a maximum authorized takeoff weight on wheels of no more than 35,000 pounds. (Complete separate or combined coverage as appropriate):

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each person	Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$75,000	\$2,000,000*(See note)
_____	Passenger Bodily Injury	\$75,000	\$75,000 x 75% of total number of passenger seats installed in aircraft

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ Amount of Coverage _____ U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

NOTE: If the aircraft covered by this policy have more than 30 passenger seats or more than a maximum payload capacity of 7,500 pounds, the minimum limit per occurrence shall be \$20,000,000.

B. FOREIGN AIR CARRIERS OPERATING SMALL AIRCRAFT

The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer passenger seats or with a maximum payload capacity of 18,000 pounds or less). *(Complete separate or combined coverage as appropriate):*

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each person	Each Occurrence
	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$300,000	\$2,000,000
	Passenger Bodily Injury	\$300,000	\$300,000 x 75% of total number of passenger seats installed in aircraft

☒ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damaged, and passenger bodily injury.

Policy No. DE00029542AV

Amount of Coverage as per schedule U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

C. FOREIGN AIR CARRIERS OPERATING LARGE AIRCRAFT

The aircraft covered by this policy are LARGE AIRCRAFT (i.e., with more than 60 passenger seats or with a maximum payload capacity of more than 18,000 pounds). *(Complete separate or combined coverage as appropriate):*

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit	
		Each person	Each Occurrence
	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	\$300,000	\$20,000,000
	Passenger Bodily Injury	\$300,000	\$300,000 x 75% of total number of passenger seats installed in aircraft

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damaged, and passenger bodily injury.

Policy No. _____

Amount of Coverage _____ U.S. Dollars

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

3. The policy or policies listed in this certificate insure(s) *(Check One)*:

Make and Model _____

FAA or Foreign Flag _____

Registration No. _____

- ☐ Operations conducted with all aircraft operated by the insured
- ☐ Operations conducted with the following types of aircraft:
- ☒ Operations with the following aircraft: (Use additional page if necessary)

as per schedule

4. Each policy listed in this certificate meets or exceeds the requirements in 14 CFR Part 205.

XL Insurance Company SE, Direktion fuer Deutschland

(Name of Insurer)

Hopfenstrasse 6

(Address)

80335 Munich, Germany

(City, State, Zip Code)

Achim Friedrich

Contact (person who can verify the effectiveness of the coverage)

(Area Code, Phone Number)

(Area Code, Fax Number)

(Signature, if applicable)

(Date)

Besso Grimme Insurance Brokers GmbH

(Name of Broker, if applicable)

Alstertor 17

(Address)

20095 Hamburg, Germany

(City, State, Zip Code)

Christian Grimme

(Office or authorized representative)

+49 40 85599810

(Area Code, Phone Number)

+49 40 855998119

(Area Code, Fax Number)

(Signature)

15 October 2019

(Date)

ATTACHMENT ONE

Insured: **AVCON JET AG**
 Wohllebengasse 12-14, 1040 Wien, Austria
 Policy Period: Starting **01st April 2019** ending **31st March 2020**

SCHEDULE OF AIRCRAFT AND LIABILITY SUM INSURED

No.	Manufacture	Type	Reg.	SN	MTOW (kg)	Pass. Seats	CSL Limit
1	Embraer	Legacy 600 (EMB-135BJ)	OE-IBK	14501110	22,500	3+14	USD 150,000,000.00
2	Embraer	Legacy 650 (EMB-135BJ)	OE-IML	14501143	24,300	3+14	USD 150,000,000.00
3	Embraer	Legacy 650 (EMB-135BJ)	OE-ITA	14501133	24,300	4+13	USD 300,000,000.00
4	Bombardier	Global 5000 (BD700-1A11)	9H-OMK	9578	41,957	3+14	USD 300,000,000.00
5	Bombardier	Global 5000 (BD700-1A11)	9H-TOR	9547	41,975	3+13	USD 300,000,000.00
6	Cessna	Citation Jet 1+ (525)	OE-FSR	525-0634	4,853	2+5	USD 150,000,000.00
7	Cessna	Citation Jet 2+ (525A)	OE-FKO	525A-0390	5,669	2+7	USD 150,000,000.00
8	Cessna	Citation Jet 2+ (525A)	OE-FOA	525A0354	5,670	2+7	USD 150,000,000.00
9	Cessna	XLS+ (560XLS+)	OE-GWS	560-6020	9,163	2+9	USD 150,000,000.00
10	Dassault	Falcon F900EX	OE-IMI	87	22,226	3+14	USD 300,000,000.00
11	Bombardier	GLOBAL 5000 GVFD	OE-ICA	9542	40,687	3+14	USD 300,000,000.00
12	Bombardier	GLOBAL 5000	OE-IOO	9301	40,687	2+10	USD 300,000,000.00
13	Bombardier	GLOBAL 5000 GVFD	M-FINE	9594	41,957	3+14	USD 300,000,000.00
14	Gulfstream	G550	OE-ISN	5379	41,277	3+19	USD 500,000,000.00
15	Gulfstream	G550	OE-IKH	5050	41,277	3+14	USD 300,000,000.00
16	Gulfstream	G550	OE-LCY	5524	41,458	4+14	USD 300,000,000.00
17	Dassault	Falcon F2000LX	9H-HAM	245	19,145	3+9	USD 150,000,000.00
18	Bombardier	Global 5000	M-FLIG	9639	41,957	3+14	USD 300,000,000.00
19	Bombardier	Challenger 300	M-ARRH	20400	17,800	2+10	USD 300,000,000.00
20	Bombardier	Global 700-1A10	M-MAVP	9742	44,452	2+19	USD 300,000,000.00
21	Bombardier	Challenger 350	OE-HRS	20405	18,432	3+10	USD 200,000,000.00
22	Embraer	Legacy 650	T7-IFS	14501191	22,500	3+14	USD 300,000,000.00
23	Gulfstream	G200	OE-HOP	150	16,080	2+8	USD 150,000,000.00
24	Bombardier	Challenger 604	OE-IDG	5654	21,863	3+12	USD 250,000,000.00
25	Gulfstream	G450	OE-ITE	4356	33,838	2+14	USD 250,000,000.00
26	Bombardier	Challenger 604	OE-IAA	5618	21,863	2+12	USD 150,000,000.00
27	Gulfstream	G200	OE-HED	163	10,080	2+11	USD 150,000,000.00

28	Bombardier	Global 5000	VP-CBF	9584	40,687	3+14	USD 300,000,000.00
29	Gulfstream	G550	OE-ICQ	5078	41,277	3+18	USD 250,000,000.00
30	Bombardier	Challenger 350	OE-HIL	20698	18.416	2+10	USD 200,000,000.00
31	Gulfstream	G200	T7-RON	241	16,171	2+10	USD 200,000,000.00
32	Cessna	Citation XLS (560XLS+)	T7-XLS	560-6221	9,163	2+9	USD 200,000,000.00
33	Cessna	Citation XLS +	OE-GMS	560-6127	9.163	2+8	USD 200,000,000.00
34	Embraer	ERJ-135	OE-IRK	14500916	22,500	4+13	USD 150,000,000.00
35	Bombardier	Global 6000	OE-LDR	9548	45132	4+15	USD 250,000,000.00
36	Cessna	Citation CJ4	OE-GCZ	525c-0268	7,760	2+8	USD 150,000,000.00
37	Gulfstream	G550	OE-LCZ	5562	41,277	4+16	USD 300,000,000.00
38	Bombardier	Challenger 604	T7-DYN	5641	21,900	3+10	USD 150,000,000.00
39	Cessna	XLS	9H-GKM	560-5811	9,163	2+9	USD 200,000,000.00
40	Bombardier	Learjet 60XR	OE-GSE	372	10,659	2+8	USD 150,000,000.00
41	Embraer	Legacy 500	OE-HLA	55000086	17,400	2+10	USD 250,000,000.00
42	Gulfstream	G650	OE-LTF	6327	45,177	3+13	USD 400,000,000.00
43	Dassault	Falcon 7X	OE-LRR	94	31,751	3+14	USD 250,000,000.00
44	Bombardier	CL-600 2B16/ Challenger 650	T7-AIR	6069	21,863	3+12	USD 400,000,000.00
45	Bombardier	Global 6000	OE-LIM	5174	41277	4+14	USD 400,000,000.00
46	Gulfstream	G650	9H-CAA	6350	45,177	4+14	USD 400,000,000.00
47	Gulfstream	G450	OE-ITC	4104	33,838	3+14	USD 400,000,000.00
48	Cessna	Citation X	OE-HOH	184	16,374	2+10	USD 250,000,000.00
49	Bombardier	Global 6000	9H-KLS	9601	45,132	4+15	USD 300,000,000.00
50	Bombardier	Global 6000	OE-IMB	9851	45,132	3+14	USD 300,000,000.00
51	Bombardier	Global 5000	OE-LIO	9130	39.780	3+12	USD 250,000,000.00
52	Gulfstream	G550	OE-ILN	5590	41.277	3+16	USD 300,000,000.00

Besso Grimme Insurance Brokers GmbH


Digitally signed
Christian Grimme
Managing Director



Exhibit AOJ-4

OST Form 4523



AGREEMENT

The undersigned carriers (hereinafter referred to as "the Carriers") hereby agree as follows:

1. Each of the Carriers shall, effective May 16, 1966, include the following in its conditions of carriage, including tariffs embodying conditions of carriage filed by it with any government:

"The Carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(1) of said Convention, or said Convention as amended by said Protocol, the Carrier agrees that, as to all international transportation by the Carrier as defined in the said Convention or said Convention as amended by said Protocol, which, according to the contract of Carriage, includes a point in the United States of America as a point of origin, point of destination, or agreed stopping place

- (1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of US \$75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of US \$58,000 exclusive of legal fees and costs.
- (2) The Carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol.

Nothing herein shall be deemed to affect the rights and liabilities of the Carrier with regard to any claim brought by, on behalf of, or in respect of any person who has willfully caused damage which resulted in death, wounding, or other bodily injury of a passenger."

2. Each Carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention, or the Convention as amended by the Hague Protocol, and by the special contract described in paragraph 1, the following notice, which shall be printed in type at least as large as 10 point modern type and in ink contrasting with the stock on (i) each ticket; (ii) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (iii) on the ticket envelope:

"ADVICE TO INTERNATIONAL PASSENGER ON LIMITATION OF LIABILITY

Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination. For such passengers on a journey to, from, or with an agreed stopping place in the United States of America, the Convention and special contracts of carriage embodied in applicable tariffs provide that the liability of

[certain]*
[[name of carrier] and certain other] carriers parties to such special contracts for death of or personal injury to passengers is limited in most cases to proven damages not to exceed US \$75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the carrier. For such passengers traveling by a carrier not a party to such special contracts or on a journey not to, from, or having an agreed stopping place in the United States of America, liability of the carrier for death or personal injury to passengers is limited in most cases to approximately US \$10,000 or US \$20,000.

The names of Carriers parties to such special contracts are available at all ticket offices of such carriers and may be examined on request.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention or such special contracts of carriage. For further information please consult your airline or insurance company representative."

3. [This Agreement was filed with the Civil Aeronautics Board of the United States. The Board approved it by Order E-23680, adopted May 13, 1966. The Agreement (Agreement 18900) became effective May 16, 1966. On January 1, 1985, this Agreement became the responsibility of the Department of Transportation (DOT) by operation of law.]

4. This Agreement may be signed in any number of counterparts, all of which shall constitute one Agreement. Any Carrier may become a party to this Agreement by signing a counterpart hereof and depositing it with DOT.

5. Any Carrier party hereto may withdraw from this Agreement by giving twelve (12) months' written notice of withdrawal to DOT and the other Carriers parties to the Agreement.

*Either alternative may be used.

(Signature and Date)  20.02.2020

(Printed Name and Title) Maximilian Maruna, Accountable Mgr / COO

(Name and Address of Carrier) Avcon Jet AG

Wohllebengasse 12-14
1040 Vienna
Austria

Exhibit AOJ-5

Verification

VERIFICATION

Pursuant to Title 18 United States Code Section 1001, I, Maximilian Maruna, in my individual capacity and as the authorized representative of the pleader, have not in any manner knowingly and willfully falsified, concealed or failed to disclose any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statement in connection with the preparation, filing or prosecution of the foregoing pleading. I understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined or imprisoned not more than five years, or both.

Pursuant to Title 28 United States Code Section 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Maximilian Maruna
Accountable Manager / COO
AVCON JET AG

Executed on: 20 February, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Avcon Jet AG for a Foreign
Air Carrier Permit has been served this 20th day of February, 2020, on the following individuals:

Hugo Yon
Deputy Assistant Secretary for Transportation Affairs
Bureau of Economic and Business Affairs
Department of State
2201 C Street, NW
Washington, DC 20520

Theodore W. Burzynski
Principal Operations Inspector
New York International Field Office
Federal Aviation Administration
1 Aviation Plaza, Room 504
Jamaica, NY 11434-4809



Jonathan Echmalian