



Ministry of Defence

Ref: FOI2017/01368

Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

DSA-Enquiries@MOD.uk

27 February 2017

Dear [REDACTED]

Thank you for your email of 27 January 2017 requesting the following information:

"1) Copies of the Certificates of Registration, Certificates of Deregistration, and (if applicable) Certificate of Usage for Military Registered Civil-Owned Aircraft, for the Eurofighter Typhoon aircraft registered during 2016 as ZK610 and ZK616.

2) The dates on which these aircraft were registered on and de-registered from the Military Aircraft Register.

3) The individual, company, organisation, department or entity which was registered as the (i) owner and (ii) operator of these aircraft ZK610 and ZK616 during their registration on the Military Aircraft Register.

4) Whether these aircraft were classified as "military aircraft" under the terms of the Air Navigation Order 2016 (SI 2016 No. 765)?

5) Whether these aircraft were permitted to fly in UK or European airspace as Civil Aircraft or State Aircraft under the terms of the 1944 Chicago Convention?

6) The nationality, registration and status (Civil or State Aircraft) of these aircraft when they flew in UK airspace on 14 March 2016 (ZK610) and 20 October 2016 (ZK616). If possible, please release copies of flight plan documents or other relevant data relating to these flights.

7) Whether these aircraft were legally permitted to fly in UK airspace carrying markings of two nationalities simultaneously (UK registration ZK610 and Saudi Arabian registration 8011; UK registration ZK616 and Saudi Arabian registration 8017)?"

I am treating questions 1-3 and the request for flight plans in question 6 of your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm some information in scope of your request is held.

The Certificates of Registration and Deregistration along with the relevant dates can be found attached, but some of the information falls entirely within the scope of the absolute exemptions provided for at sections 40 (Personal Data) of the FOIA and has been redacted. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

The UK MOD does not hold flight plan documents relating to these flights and we are therefore, unable to provide these to you.

The Certificates of Usage are held but we believe the information contained within these documents falls within the scope of the following qualified exemption: *Section 27 (International Relations)*. As such it is necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure.

The Freedom of Information Act requires us to respond to requests promptly, and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test has to be conducted, the Act allows the time for response to be longer than 20 working days. A full response must be provided within such time as is reasonable in all circumstances of the case and, in relation to your request, we estimate that it will take an additional 20 working days to take a final decision on where the balance of public interest lies. We therefore plan to let you have a response by 23 March 2017. If it appears that it will take longer than this to reach a conclusion we will let you know.

The remainder of your request does not fall within the scope of the FOIA as you have not requested recorded information. However, under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that Aircraft on the Military Aircraft Register are classified as military aircraft in terms of the Air Navigation Order (article 22) and as such are regulated by the Military Aviation Authority. Furthermore, they are classified as state aircraft in terms of the Chicago Convention (article 3).

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <https://ico.org.uk/>.

Yours sincerely,

DSA Secretariat

Military Aviation Authority

MAA

Certificate of Registration

This is to certify that the following aircraft

Type: Typhoon

Mark: FGR Mk4

Manufacturer: Eurofighter GmbH

Build Number: CS0041

Previous Registration Number (if applicable): N/A

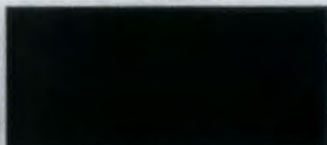
Has been allocated the Military Aircraft Registration Number:

ZK610

*and has been entered on the United Kingdom Military Aircraft Register
with effect from:*

Date: 5 January 2015

Time: 10:30



**MILITARY AIRCRAFT REGISTRAR
for MAA**



Date: 5 January 2015



Certificate of De-Registration

This is to certify that the following aircraft

Type: Typhoon
Mark: Block 25C
Manufacturer: Eurofighter
Build Number: CS0041

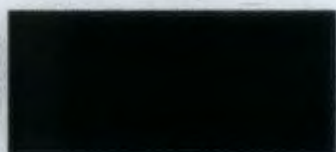
which had the Military Aircraft Registration Number:

ZK610

*has been removed from the United Kingdom Military Aircraft Register
with effect from:*

Date: 17 March 2016

Time: 08:10



**MILITARY AIRCRAFT REGISTRAR
for MAA**



Date: 17 March 2016



Certificate of Registration

This is to certify that the following aircraft

Type: Typhoon
Mark: FGR Mk4
Manufacturer: Eurofighter GmbH
Build Number: CS0047
Previous Registration Number (if applicable): N/A

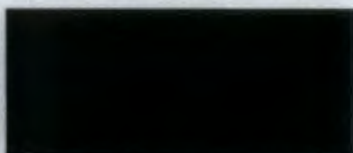
Has been allocated the Military Aircraft Registration Number:

ZK616

*and has been entered on the United Kingdom Military Aircraft Register
with effect from:*

Date: 5 January 2015

Time: 10:30



**MILITARY AIRCRAFT REGISTRAR
for MAA**



Date: 5 January 2015



Certificate of De-Registration

This is to certify that the following aircraft

Type: Typhoon
Mark: Block 25C
Manufacturer: Eurofighter
Build Number: CS047

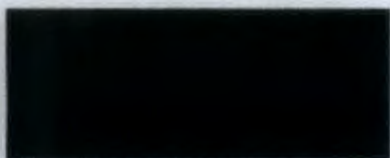
which had the Military Aircraft Registration Number:

ZK616

*has been removed from the United Kingdom Military Aircraft Register
with effect from:*

Date: 25 October 2016

Time: 08:10



**MILITARY AIRCRAFT REGISTRAR
for MAA**



Date: 25 October 2016



Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

Ref: FOI2017/01368

DSA-Enquiries@MOD.uk

15 March 2017

Dear [REDACTED]

Thank you for your email of 27 January requesting the following information:

"Copies of the Certificate of Usage for Military Registered Civil-Owned Aircraft, for the Eurofighter Typhoon aircraft registered during 2016 as ZK610 and ZK616."

As per my letter of 27 February, I can confirm that the information you requested is held, but some of the information falls entirely within the scope of the qualified exemption provided for at section 27 (International Relations) .

Section 27(1)(a) has been applied because some of the information has the potential to adversely affect relations with our allies. As such it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosure. The public interest test is now complete and it was concluded that the balance was in favour of release. Therefore, please find the Certificates of Usage attached.

The information also falls entirely within the scope of the absolute exemptions provided for at sections 40 (Personal Data) of the FOIA, and has been redacted accordingly.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <https://ico.org.uk/>.

Yours sincerely,

DSA Secretariat



Ministry
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CERTIFICATE OF USAGE AS A MILITARY-REGISTERED AIRCRAFT

The Secretary of State for Defence, in pursuance of the application of the Air Navigation Order to Military Aircraft, hereby certifies that the under-mentioned aircraft must be treated as a Military Aircraft for the purposes of that Order.

APPLICANT ORGANIZATION:	BAE Systems
OPERATOR:	BAE Systems
AIRCRAFT MANUFACTURER:	Eurofighter GmbH
AIRCRAFT TYPE AND MARK:	Typhoon FGR Mk 4
MANUFACTURER'S BUILD NUMBER(s) (where available):	CS0041
FORMER CIVIL REGISTRATION NUMBER(s) (if appropriate):	N/A
ALLOCATED MILITARY REGISTRATION NUMBER(s):	ZK610

Flight is authorized providing that the aircraft:

- a. Conforms to the weapon system design standard, in Reference A, approved by the Type Airworthiness Authority.
- b. Is flown in accordance with the flying limitations detailed in Reference B with the following additional restrictions:
 - (1) All applicable NETMA/Nations Restrictions at their current issue.
 - (2) All applicable UK National Restrictions at their current issue.
- c. Is maintained by BAES Military Air and Information in accordance with Reference C.
- d. Is operated iaw MAA Regulatory Publications, company organisational approvals and any further limitations which may be imposed by the Type Airworthiness Authority or MAA.
- e. Is operated in the following roles:
 - (1) Flight testing; specifically, factory acceptance, shakedown and minor trials, from BAES Warton to confirm that all replaced items and aircraft systems are operating correctly in accordance with an approved flight test schedule consisting of appropriate test points from Reference D.
 - (2) Ferry flight from Warton to the Kingdom of Saudi Arabia in accordance with Reference E.

All changes that require amendments to, or up-issues of, documents referenced in this Certificate of Usage (CoU), or subsequent revisions of those documents, are to be notified to the TAA. Where such changes are deemed by the TAA to be minor/incremental, they are to be considered to fall within the scope of this CoU and the TAA will record the changes on a Usage and Configuration Assessment (UCA) form. Where the TAA deems changes to be significant, they are to be referred to the undersigned for re/issue of this CoU. In all cases, such changes and the TAA's decision will be recorded on a UCA form.

This certificate will have effect from 09:00 on 11 December 2014 and will remain effective until superseded or revoked.

Signed:



Air Vice-Marshal I C Morrison CBE
Director of Saudi Armed Forces Projects

For and on behalf of the Secretary of State for Defence.
Dated this 10 day of December 2014



Ministry
of Defence

CERTIFICATE OF USAGE AS A MILITARY-REGISTERED AIRCRAFT

References:

- A. System Declaration of Design and Performance - RSAF Block 25C BAES/ASE/WA/CEO/WDP/EF/0876 Issue A, Amendment 0 dated Oct 14.
- B. BAES Airworthiness Flight Limitations - BAES-WA-AIRW-RP-EFA-EPT-05534 Issue 1 AL 0 dated Oct 14.
- C. BAE Systems Warton Site – Quality Process Standards (QPS), The processes to be used include, but are not limited to:-
 - 1) QPS018 – Aircraft Flight Folder Procedure for Use on BAE Systems MAI Programmes
 - 2) QPS024 – Component / Aircraft Breakdown Recording and Recovery including Retest and Robberies
 - 3) QPS008 – Control of Periodic Servicing / Maintenance
 - 4) QPS034 – Clearance of Aircraft for APU/GTS and Engine Ground Running
 - 5) QPS053 – Clearance of Aircraft For Flight
- D. Production Flight Acceptance Test for RSAF aircraft built at Warton - BAE-WFT-RP-EFA-FTP-000669 Issue 1 AL 3 dated 15 Oct 14.
- E. Ferry Brochure.



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CERTIFICATE OF USAGE AS A MILITARY-REGISTERED AIRCRAFT

The Secretary of State for Defence, in pursuance of the application of the Air Navigation Order to Military Aircraft, hereby certifies that the under-mentioned aircraft must be treated as a Military Aircraft for the purposes of that Order.

APPLICANT ORGANIZATION:	BAE Systems
OPERATOR:	BAE Systems
AIRCRAFT MANUFACTURER:	Eurofighter GmbH
AIRCRAFT TYPE AND MARK:	Typhoon FGR Mk 4
MANUFACTURER'S BUILD NUMBER(s) (where available):	CS0047
FORMER CIVIL REGISTRATION NUMBER(s) (if appropriate):	N/A
ALLOCATED MILITARY REGISTRATION NUMBER(s):	ZK616

Flight is authorized providing that the aircraft:

- a. Conforms to the weapon system design standard, in Reference A, approved by the Type Airworthiness Authority.
- b. Is flown in accordance with the flying limitations detailed in Reference B with the following additional restrictions:
 - (1) All applicable NETMA/Nations Restrictions at their current issue.
 - (2) All applicable UK National Restrictions at their current issue.
- c. Is maintained by BAES Military Air and Information in accordance with Reference C.
- d. Is operated iaw MAA Regulatory Publications, company organisational approvals and any further limitations which may be imposed by the Type Airworthiness Authority or MAA.
- e. Is operated in the following roles:
 - (1) Flight testing; specifically, factory acceptance, shakedown and minor trials, from BAES Warton to confirm that all replaced items and aircraft systems are operating correctly in accordance with an approved flight test schedule consisting of appropriate test points from Reference D.
 - (2) Ferry flight from Warton to the Kingdom of Saudi Arabia in accordance with Reference E.

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This certificate will have effect from 09:00 on 11 December 2014 and will remain effective until superseded or revoked.

Signed:



Air Vice-Marshal I C Morrison CBE
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