



Procedures for granting, suspending and revoking operating licences

The Commission for Aviation Regulation (the "Commission") is responsible for licensing Irish air carriers involved in the carriage by air of passengers, mail and/or cargo for remuneration and/or hire in accordance with Regulation (EC) No. 1008/2008 (the "Regulation"). The Commission is designated as the competent licensing authority in the State for the purposes of this Regulation under the European Communities (Common Rules for the Operation of Air Services in the Community) Regulations 2008, Statutory Instrument 426 of 2008 (the "S.I."). Copies of the Regulation and the S.I. are available to download from our website, www.aviationreg.ie.

Under Article 10 (2) of the Regulation, the competent licensing authority is required to make public the procedures for granting, suspending and revoking operating licences.

These procedures are set out below. If further clarification is required, please contact the Airline Licensing Section directly on Tel: +3531 6611700 or at info@aviationreg.ie.

1. Granting an Operating Licence

1.1 Eligibility

An undertaking meeting the requirements of the Regulation is entitled to receive an operating licence.

1.2 Applications

Applications for an operating licence must be made using the Commission's application form.

The application form is a fillable PDF form and is available on the Commissions website. The Commission has produced instructions to assist applicants in completing and navigating the application form. The Commission has also produced a 'Guidance Note on applying for an operating licence' which sets out in detail the information required, how applications are processed and the annual monitoring requirements which apply to licence holders. Both guidance documents are available to download from the Commissions website at, <http://www.aviationreg.ie/airline-licensing-the-commissions-role/apply-for-a-licence.141.html>.

Applicants are advised to familiarise themselves with the relevant legislation available to download from the Commission's website. They are also reminded of the requirement to obtain an Air Operator's Certificate (AOC) from the Irish Aviation Authority (IAA). The IAA can be contacted on Tel: +3531 6718655 or at info@iaa.ie.

It is also important to note that the Commission does not give decisions in principle on proposed plans by potential applicants for an operating licence. A decision to grant/refuse an operating licence will only be given in the context of a fully complete, formal application to this Office.

All sections of the application form should be completed **in full** and no questions should be left unanswered. Failure to do so will result in the application being rejected.

1.3 Fees

The fee payable in respect of an application for an operating licence is as follows:

Category A ¹ -	€7,608
Category B ² -	€2,536

Fees applicable to Airline Licensing will be adjusted annually for changes in the Consumer Price Index.

¹ Category A licence holders are permitted to carry passengers, cargo and/or mail on aircraft with 20 seats or more.

² Category B licence holders are permitted to carry passengers, cargo and/or mail on aircraft with fewer than 20 seats and/or less than 10 tonnes MTOM (maximum take-off mass).

It should be noted that the fee payable on application for an Operating Licence is non-refundable.

Full details on the fee structure applicable to Airline Licensing can be accessed from the Commission's website.

1.4 Processing the Application

Applications are dealt with in the order in which they are received. On receipt of an application, we will issue a letter acknowledging receipt within three working days of same and respond as quickly as possible thereafter.

When an application has been examined by this Office we may need to contact the applicant with queries on the application or to obtain additional information relevant to the application. Such queries will be dealt with in writing and in a timely manner by the Commission. **Please Note:** If the applicant does not engage with this Office for a period of **three months** in relation to any queries or requests for further information, the application will be treated as abandoned and thereafter a fresh application will be required along with the relevant fee.

Under Article 10 (1) of the Regulation, the Commission is required to take a decision on an application as soon as possible, and **not later than three months** after all necessary information has been submitted, taking into account all available evidence.

As soon as the Commission has obtained all the necessary information it will be in a position to take a decision on the application. The decision will be notified to the applicant in writing. There is no formal appeals procedure provided for in the Regulation. However, a decision not to grant an operating licence will state the reasons for the refusal.

It should be noted that Article 9 (4) of the Regulation provides that, *'The competent licensing authority shall suspend or revoke the operating licence if the Community air carrier knowingly or recklessly furnishes the competent licensing authority with false information on an important point.'*

Important: Please note that applications should be made well in advance of the proposed commencement of operations as it is

important that the Commission has adequate time to process applications. Applicants are advised **not** to anticipate the issue of an Air Carrier Operating Licence by selling tickets or taking bookings in advance of securing an operating licence.

2. Suspending/Revoking an Operating Licence

Article 14 of the Regulation provides that an air carrier should be provided the right to be heard before any decision taken by the competent licensing authority to suspend or revoke the operating licence.

2.1 Suspension

When a decision is taken by the Commission to suspend an operating licence, a notice of suspension will be issued to the air carrier concerned which will state the reasons for the proposed suspension. The notice of suspension will issue not less than 2 working days and no more than 7 working days before the proposed suspension. The notice period given to the air carrier will be decided by the Commission on a case by case basis. During the notice period, the air carrier is entitled to make representations to the Commission in writing in relation to the proposed suspension. If required, an oral hearing may also be facilitated.

The Commission will consider any representations made. If the notice period is the minimum period (i.e. not less than 2 working days), representations will be treated as urgent. If the company seeks to make further representations following a decision by the Commission to implement the suspension of the Operating Licence, this will be considered. The duration of the period of suspension of an operating licence will be decided on a case by case basis. The Commission may ultimately decide to revoke a licence already in suspension and is not precluded from so doing.

2.2 Revocation

When a decision is taken by the Commission to revoke an operating licence, it will give notice of its intention to revoke to the air carrier concerned and will state the reasons for the proposed revocation. The notice period of proposed revocation will be not less than 10 working days after the date of the notice. During the notice period, the air carrier is entitled to make

representations to the Commission in writing in relation to the proposed revocation. If required, an oral hearing may also be facilitated.

The Commission will consider any representations made before revoking an operating licence.

If an operating licence is revoked by the Commission the holder shall, upon receipt of a notice of revocation, deliver up the operating licence to the Commission immediately and provide an undertaking signed by the Company Secretary which confirms that the company is no longer engaged in any licensable services or any activity for which a licence is required.

2.3 Suspension or Revocation of AOC

It should be noted that Article 9 (5) of the Regulation provides that where an air carrier's AOC is suspended or withdrawn, the Commission is required to **immediately** suspend or revoke that air carrier's operating licence.