



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 for Aviation Regulation 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.”).

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 Regulation (EC) No. 1008/2008 is entitled to receive an operating licence.

1.2 Applications

Full details of the information which must be furnished when submitting an application for an operating licence are contained in the application form and accompanying notes which are available to download from the Commission’s website, www.aviationreg.ie. The completed application form (with all relevant documentation) must be accompanied by the relevant application fee and returned to:

**Commission for Aviation Regulation,
3rd Floor, Alexandra House,
Earlsfort Terrace,
Dublin 2,
IRELAND.**

Completed application forms can also be forwarded by e-mail to info@aviationreg.ie.

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 and returned to the applicant.

1.3 Fees

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

Category A - €7,285

Category B - €2,428

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

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

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 of same 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. 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 competent licensing authority 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. A decision not to grant an operating licence will state the reasons for the refusal.

There is no formal appeals procedure. However, an undertaking whose application has been refused may refer the matter to the European Commission.

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.

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.

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.