

Air carriers that do not hold a valid operating license

1. PURPOSE

This EUACA Slot Guideline (EUSG) aims at providing guidance about how to proceed in those situations where undertakings request or hold slots/schedules without having a valid operating license or the equivalent.

This includes the situation where undertakings that are in the process of being granted a valid operating license by the competent authority (i.e. 'paper airlines') as well as the situation where air carriers whose operating license has been withdrawn, revoked or suspended by the competent authority.

An undertaking in the process of establishing itself as an air carrier that does not hold a valid operating license by the Historic Baseline Date (31st January/31st August) or air carriers whose operating license has been withdrawn or suspended are not entitled to hold slots.

2. REFERENCES

EU Slot Regulation No.95/93 (amended)

- Article 2(f)(i) - definition of 'air carrier'
- Article 7(1) - duty of air carriers to provide requested information
- Article 7(2) - possibility of non-consideration of slot requests
- Article 14(2) - withdrawal of slots allocated to an air carrier on a provisional basis

IATA Worldwide Slot Guidelines

- Section 7.16 – airline that loses its operating license
- Section 7.17 – slots allocated before traffic rights or operating license

3. GUIDELINES

Depending on the phase of the scheduling season that the slots/schedules refer to, Coordinators and Schedules Facilitators should take the following actions when an airline without a valid operating license requests or holds slots/schedules:

3.1 An undertaking in the process of establishing itself as an air carrier ('paper airline')

- The air carrier is entitled to request slots/schedules.
- Coordinators may reserve slots for it on a temporary basis.

- The undertaking may apply for schedule changes in accordance with the normal allocation procedures.
- The Coordinator or Schedules Facilitator should place in the pool/withdraw the slots/schedules that were temporary allocated/recommended to the undertaking in this situation, if by 31st January/31st August the undertaking does not hold a valid operating license or if it has not been clearly stated by the competent authority that it will very likely be granted one before the planned operations start.

3.2 Air carriers whose operating license becomes invalid (suspended or withdrawn)

- The Coordinator or Schedules Facilitator should take control of the slots and try to establish contact with the air carrier immediately (either directly or through its authorized representatives or appointed administrators) to seek clarification and to be informed about its intentions with regard to the slots allocated/schedules recommended.
- The Coordinator or Schedules Facilitator should set a reasonable deadline, by which to receive such information.
- If after trying to establish contact with the air carrier by all means (either directly or through its authorized representatives or appointed administrators), no contact has taken place the Coordinator or Schedules Facilitator should set his own reasonable deadline before proceeding with the re-allocation/cancellation of slots/schedules.
- The Coordinator or Schedules Facilitator informs the air carrier that slots allocated/schedules recommended to the air carrier will be subject to the supervision and authorization, for any action intended to affect these slots, by the Coordinator/Schedules Facilitator.
- The air carrier will not be allowed to request any changes to its schedule (slots/schedules blocked) unless otherwise agreed between the air carrier and the Coordinator or Schedules Facilitator.
- The Coordinator or Schedules Facilitator should take the appropriate measures in its systems to ensure that data on flights that will not operate in the short term are not included in schedule feeds to other entities or organizations (e.g. airport operator, EUACA CDB, on-line portals, etc.).
- The Coordinator should protect the historic slots of the air carrier if the license is suspended or withdrawn shortly before the initial submission deadline and if it is requested to do so by the air carrier concerned.
- The Coordinator or Schedules Facilitator should place slots allocated to such air carriers into the pool for re-allocation or should withdraw the schedules recommended if, by the set deadline, no clear evidence has been received that a valid operating license will be re-instated (i.e. operations can be resumed) and/or that a formal takeover of the air carrier's activities by another air carrier may occur.

What is a reasonable deadline?

When setting the deadline for the air carrier concerned, the Coordinators/Schedules Facilitators should consider the following circumstances:

- The current stage in the coordination process (e.g. before start of the season or during the season). Where appropriate, the same deadline may apply for the slots held in both summer and winter seasons.
- The impact of the air carrier schedule on the airport/airports concerned and the possibility of having a significant slot pool for re-allocation (e.g. the number and quality of the slots concerned, the prospects for reallocation, etc.).
- The information available from other reliable sources (e.g. civil aviation authorities, other Coordinators/Schedule Facilitators, etc.), including the possibility that the air carrier could be granted a temporary license.
- The capacity situation (slot availability) of the airport/airports concerned to prevent wastage of scarce capacity.
- The possibility that the slots allocated may have influence on any process of acquisition of the air carrier concerned and/or in obtaining new financing.
- The existence of any national regulation or local rule applicable to the particular Coordinator or Schedules Facilitator that may establish or provide guidance for the determination of such a deadline

3.3 Importance of the exchange of information

When an air carrier's operating license becomes invalid, or has not yet been granted, information available is very often scarce and confusing.

In this situation, it is of great value and importance that Coordinators/Schedules Facilitators exchange relevant information amongst themselves and with the relevant competent authorities. Where possible, the Coordinator/Schedules Facilitator of the same country where the air carrier is registered should act as the focal point for regularly distributing information to other Coordinators/Schedules Facilitators affected by the situation.

If feasible, the Coordinators and Schedules Facilitators concerned should agree on the same deadline for the air carrier to clarify the future use of the slots/schedules allocated/recommended, taking into account the fact that each Coordinator and Schedules Facilitator may have different local factors to consider.

4. EXCEPTIONS

Following Coordinators/Schedules Facilitators have indicated that these guidelines or standards are not fully applied at all or some of the airports they currently manage. In order to get more detailed information about the differences



and the reasons thereof, please visit the concerned Coordinator/Schedules Facilitator website.

Country	Exception
France	The deadline mentioned in 3.2 will be set at 30 days after the notification to the carrier, its representatives or appointed administrator