

PART 205

ROUTE LICENSING REGULATIONS AND PROCESSES

This new part of the Jordanian Civil Aviation Regulations is hereby adopted under the authority and provisions of the Civil Aviation Law No. (41) 2007.



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PART 205

ROUTE LICENSING REGULATIONS AND PROCESSES

STEPS TO OBTAIN ROUTE LICENSE

Applicants (only EOL holders on scheduled basis) can apply for obtaining a Route License and are deemed to have read understood and accepted processing conditions stated on the Route Licensing Regulations and Processes/ PART 205, as prescribed below:

1. Applications for a Route License shall be made in the form and manner specified in Appendix A of Part 205.
2. Applicant should submit a twelve month Feasibility Study two months in advance prior to operation (as per part 201/ EOL regulations section 201.15.a)
3. The requested route shall be on city-city basis ensuring that all the required information has been inserted and/or attached.
4. Upon the reception of the application form and the Feasibility Study, CARC will investigate the compliance of the request with the related ASA.
5. If CARC find the application is in compliance with the related ASA, then CARC will evaluate and assess the submitted Feasibility Study.
6. CARC may communicate with the applicant, and require more data or interviews and/or face-to-face meetings with the applicant for more clarification and justifications as necessary.
7. An assessment report will be conducted by CARC that summaries the application and feasibility study together with recommendations.
8. The above report will be submitted to the Route Licensing Panel who may elect to hold a Hearing even if the application is uncontested and may request additional information if deemed necessary.
9. The outcome of all decisions of Route Licensing Panel will be submitted to the CARC Council.
10. An applicant shall pay the related fees and charges of a route license issuance at the date of the submission of the application. In the case of non approval of the application by CARC council, the paid fees shall be refunded to the applicant.

205.1 Applicability.

(a) These regulations relate to the requirements for the issuing and continued validity of a Route License to operate Scheduled Services on International Routes .

(b) Where there is no scarce capacity or needs under the terms of an Air Services Agreement, sections: 205.5(c), 205.9, 205.11 and 205.13 of this part are not applicable for such an application(s) but shall be proceeded in accordance with the remaining sections of this part.

(c) The regulations apply to the carriage by air of passengers, mail and/or cargo for commercial operations by Jordanian licensed Air Carriers.

(d) The legal basis for the imposition of these regulations is the Civil Aviation Law No. (41) of 2007.

205.3 Definitions.

For the purposes of these regulations:

“Air Carrier” means a commercial aircraft operator licensed by, or applying for a License from, the CARC or other Competent Authority and holding a valid Air Operator’s Certificate issued by the CARC or other Competent Authority;

“Air Operator's Certificate (AOC)” means a document issued to an undertaking or a group of undertakings by the CARC which affirms that the operator in question has the professional ability and organization to secure the safe operation of aircraft for the aviation activities specified in the certificate;

“Air Services Agreement” or **“ASA”** means an agreement between the Kingdom and another state which establishes rights and obligations of each state in relation to air services between the two states, and all amendments made to such an agreement from time to time;

“Competent Authority” means any authorized department, agency, institution or other body of the Jordanian Government, including the CARC or any successor;

“Economic Operating License” means an authorization issued by the CARC, permitting an Air Carrier to carry out carriage by air of passengers, mail and/or cargo, as stated in the operating License, for remuneration and/or hire;

“Hearing” means a formal process through which a decision is made by the Route Licensing Panel that to be submitted to the CARC Council for final decision.

“International Route” means a commercial air route (whether or not involving a stop at an intermediate point) between a point within the Kingdom to a point in another state with which the Kingdom has an Air Services Agreement regulating air services to that point;

“Public Interest” means the collective interests of the air carriers, airport users and the wider national interest;

“Route License” means approval to operate a Scheduled Service on the city-to-city pair stipulated under the terms of an Air Services Agreement, following designation by the Government of Jordan;

“Route Licensing Panel” means the group established to hold Hearings into applications for a Route License in connection with an Air Service Agreement entered into by the Government of Jordan and another State;

“Scarce Capacity” means any restriction on frequencies, seats, cargo capacity or aircraft type contained in an ASA;

“Scheduled Service” in relation to a flight or air service means a flight or air service operated on a Regular Scheduled Basis and which appears in the current published timetable for the time being of the air carrier operating that flight;

205.5 Application.

(a) Applications for a Route License shall be made in the form and manner specified in Appendix A.

(b) Applicants shall supply additional information as requested by the CARC as part of the review process.

(c) CARC will publish applications for Route Licenses situated under scarce capacity on the CARC website.

205.7 Composition of the Route Licensing Panel.

(a) The Route Licensing Panel shall comprise such number of members, not being less than three, as the CARC Council may from time to time determine, and shall be known as the "Route Licensing Panel".

(b) Every member of the Route Licensing Panel shall be appointed by the CARC Council and shall be drawn from within the CARC.

(c) The CARC Council shall appoint a Chairman from amongst Route Licensing Panel members.

(d) No person may be a member of the Route Licensing Panel if he or she has a financial interest in any undertaking that operates aircraft, owns or operates airports, or which is involved in the supply of aviation related goods and services. Prior to appointment, each member shall sign an affidavit confirming such a position.

(e) The Chairman of the Route Licensing Panel may appoint external advisors to assist in the deliberation of the Panel.

(f) The quorum for the Panel when reviewing contested applications shall be three appointed members.

205.9 Route License hearings.

(a) The Route Licensing Panel may elect to hold a Hearing even if the application is uncontested.

(b) The Route Licensing Panel may request additional information even if the application is uncontested.

(c) Route License hearings may be conducted in public or private, at the discretion of the Route Licensing Panel, subject to section 205.9.d.

(d) Public hearings shall be held if the applicant or an Economic Operating License holder so requests.

- (e) Any financial information received by the Route Licensing Panel shall be treated as confidential.
- (f) All other information submitted as part of an application will be regarded as being in the public domain.
- (g) The outcome of all decisions reached at a Hearing will be made public as detailed in Appendix A.
- (h) The following persons shall be entitled to be heard at a Hearing:
 - (1) The applicant;
 - (2) The holder of any Route License issued by the CARC;
 - (3) The holder of an Economic Operating License issued by the CARC;
 - (4) Other persons who wish to be heard and who have submitted representation in connection with the application pursuant to section 205.11 of this part.

205.11 Objections and representations.

- (a) Holders of a Scheduled Economic Operating License issued by the CARC may submit objections to the application. Such objections shall be in the form and manner specified in Appendix A.
- (b) Representations on behalf of the applicant or objector may be made by interested parties as part of any submissions. Such objections shall be in the form and manner specified in Appendix A.
- (c) Any objections and/or representations shall be made within the time limits specified in section 205.13.b.1.

205.13 Timeframe for a Hearing.

- (a) If an application is uncontested, the Route Licensing Panel will be required to reach a decision within (30)thirty working days of receipt of the application.

(b) If an application is contested, the following timeframe will apply:

(1) Any objections or representations shall be submitted within fourteen working days of the application being published in accordance with the procedures;

(2) The Hearing is to be scheduled as soon as possible after the deadline for receipt of any objections or representations, but in no event later than thirty working days following the deadline;

(3) A formal decision is to be reached within seven working days and to be submitted to the CARC Council for the conclusion of the Hearing into the issue or not to issue of a Route License.

205.15 Basis of decisions.

(a) The decision with respect to the Route License application will be by simple majority of all Panel members present during the Hearing. In the case of a split decision, the Chairman of the Route Licensing Panel will have a casting vote. The decision of the Panel will be endorsed to CARC Council.

(b) The Route Licensing Panel will be required to take account of the following:

(1) The existence of other air services in the area through which the proposed services will operate with the consideration of the existing traffic rights and air carriers.

(2) The demand for air transport in the required route(s);

(3) The degree of efficiency and regularity of air services, if any, that are already provided by the applicant and others;

(4) Any period of services already operated by the applicant or any objector;

(5) The extent to which, in the Panel's opinion, the applicant will be able to provide a satisfactory service with respect to safety, continuity, regularity of service, punctuality, reasonableness of charges and other efficiency issues that the Panel may determine;

- (6) The financial commitment to the route to be made by the applicant;
 - (7) The capacity of the aircraft to be used, taking account of any bilateral or other restrictions that may exist.
 - (8) The actual operations of the existing licensed air carrier (s) by CARC on the applied route(s) and to what extent they are operating under the ASA limitation.
- (c) The Panel in exercising their discretion to Accept or refuse an application and to attach any conditions on the License, the members of the Panel shall have regard to any representations made by interested parties.
- (d) The Route Licensing Panel shall have regard to the development of competitive services in accordance with the National Air Transport Strategy and other initiatives of the Government of Jordan.
- (e) The outcome of all decisions of Route Licensing Panel will be submitted to the CARC Council.
- (f) CARC Council in exercising their discretion to issue or refuse a Route License and to attach any conditions on the License, with regard to the following requirements:
- (1) The coordination and development of air services generally;
 - (2) The most effective service for passengers and shippers;
 - (3) The avoidance of economic overlap of services.

205.17 Issue of a Route License.

- (a) The CARC Council may only issue a Route License to an Air Carrier licensed by the CARC and in conformance with the Economic Operating License regulations that are in force.

(b) The CARC Council may attach conditions to the issue of a Route License as it sees fit, on frequencies limitations subject to:

- (i) Limitations are stipulated under an ASA and /or MOU,
- (ii) A route license is to be issued for more than one air carrier to a route predetermined under ASA contains limitations.

(c) The CARC Council may, pending a full determination of a Route License application, issue the applicant a provisional License, which will remain in force until the application is determined.

(d) The CARC Council may issue a Route License for a period not exceeding three calendar months, without holding a hearing by the route licensing panel, if they are satisfied that such an issue is in the Public Interest.

(e) The CARC Council shall made its decisions to be published, with, in the case of a rejection or revocation of a License, their reasons for such a decision.

205.19 Period of validity of a Route License.

The Council in exercise of its powers imposed under Article 12/L of Civil Aviation Law No. (41 of 2007) may issue Route Licenses to remain in force for a period, not exceeding five years, as will be decided in each individual case, commencing on the date from which the License is stated as being valid.

205.20 Renewal of a Route License.

(a) Route License may be renewed, if a holder of a route license applies for renewal before six months of the date of expiry (one IATA season) in accordance with following performance criteria:

- (1) The route was served efficiently i.e binding to the published seasonal time table for at least 90% of the time in the relevant season; and
- (2) Meeting the conditions stipulated in the route license as per section 205.15(f) and 205.17(b) ; and
- (3) Passenger complains on flight delay, cancellation, overbooking and downgrading are treated in acceptable meaning as per the applicable consumer protection regulations.

(b) A Route License renewal charges shall be paid in accordance with section 205.27.

205.21 Transfer of a Route License.

(a) A Route License shall not be transferred by the holder of the License.

(b) If the holder of the Route License seeks to cancel or suspend the privileges granted by the License, the procedures outlined in section 205.25, Surrender of a Route License will be observed.

205.23 Revocation or suspension of a Route License.

(a) CARC Council Shall revoke or suspend a Route License if:

(1) The Economic Operating License or/ and the AOC issued by the CARC is revoked, cancelled or suspended or

(2) The holder of the Route License fails to comply with any condition imposed by the CARC Council in the Route License

(b) CARC Council will consider the suspension or revocation of a route License in the case of :

(1) The holder of a route license has not started operation within six months from the date of route license issuance .

(2) The holder of a route license has not served efficiently the Scheduled Flights (the continuity and sustainability principals of the Scheduled Flights).

(c) CARC will reach its decision on the basis of the facts and circumstances of each particular case. It may need occasionally to depart from its policies in unforeseen circumstances or where the public interest require

(d) Before revoking or suspending a Route License, the Council shall give the holder of the License written notice of its intentions, specifying the grounds for any such revocation or suspension. In respect to section 205.23.a.b.c above this notice shall be given at least fourteen working days before the Route License or suspended or revoked.

(e) The holder of the Route License may appeal any such revocation or suspension to the Minister of Transport, stating the reasons why such a decision should be reversed. The decision of the Minister of Transport will be final

205.25 Surrender of a Route License.

(a) A Route License may be surrendered at any time by the holder of the License.

(b) A Route License so surrendered shall be applied for under the terms and conditions of these regulations.

205.27 Fees & Charges.

The CARC will levy charges in connection with the application for, issue of and continued validity for each Route License. These charges will be levied in accordance with applicable Civil Aviation Fees & Charges Regulations as amended.

Appendix-A
Forms in connection with a Route Licensing.

[The required forms](#) in connection with a Route Licensing application, notification of application, objections, notification hearing, and CARC Council decisions available on the CARC website: www.carc.jo.