

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance)

CHAPTER II

OPERATING LICENCE

Article 9

Suspension and revocation of an operating licence

1 The competent licensing authority may at any time assess the financial performance of a Community air carrier which it has licensed. Based upon its assessment, the authority shall suspend or revoke the operating licence if it is no longer satisfied that this Community air carrier can meet its actual and potential obligations for a 12-month period. Nevertheless, the competent licensing authority may grant a temporary licence, not exceeding 12 months pending financial reorganisation of a Community air carrier provided that safety is not at risk, that this temporary licence reflects, when appropriate, any changes to the AOC, and that there is a realistic prospect of a satisfactory financial reconstruction within that time period.

[^{F1}]^{F2}1a Based on the assessments referred to in paragraph 1 carried out from 1 March 2020 to 31 December 2021, the competent licensing authority may decide before the end of that period not to suspend or revoke the operating licence of the Union air carrier provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within the following 12 months. It shall review the performance of this Union air carrier at the end of the 12-month period and decide whether the operating licence shall be suspended or revoked and a temporary licence shall be granted on the basis of paragraph 1.]

1b Where the Commission finds, on the basis of data published by Eurocontrol, which is the network manager for the air traffic network functions of the single European sky, that the reduction in the level of air traffic as compared to the level in the corresponding period in 2019 is persisting and is likely to persist, and also finds, on the basis of the best available scientific data, such as data from the European Centre for Disease Prevention and Control, that this situation is the result of the impact of the COVID-19 pandemic, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending the period of 1 March 2020 to 31 December 2020 referred to in paragraph 1a of this Article accordingly.

1c The Commission shall continuously monitor the situation using the criteria set out in paragraph 1b. Based on the information available to it, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where the criteria referred to in paragraph 1b are fulfilled, the Commission shall adopt the delegated act provided for in paragraph 1b as soon as possible.

1d Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.]

2 Whenever there are clear indications that financial problems exist or when insolvency or similar proceedings are opened against a Community air carrier licensed by it the competent licensing authority shall without delay make an in-depth assessment of the financial situation

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

and on the basis of its findings review the status of the operating licence in compliance with this Article within a time period of three months.

The competent licensing authority shall inform the Commission of its decisions, relating to the status of the operating licence.

3 When the audited accounts referred to in Article 8(4) have not been communicated within the deadline indicated in that Article, the competent licensing authority shall, without undue delay, request the Community air carrier to communicate these audited accounts.

If the audited accounts are not communicated within one month, the operating licence may be revoked or suspended.

4 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.

5 In case a Community air carrier's AOC is suspended or withdrawn, the competent licensing authority shall immediately suspend or revoke that air carrier's operating licence.

6 The competent licensing authority may suspend or revoke the operating licence of a Community air carrier if such a carrier no longer satisfies the requirements relating to good repute set out in Article 7.

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2020/696 of the European Parliament and of the Council of 25 May 2020 amending Regulation \(EC\) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic \(Text with EEA relevance\)](#).
- F2** Substituted by [Commission Delegated Regulation \(EU\) 2020/2115 of 16 December 2020 amending Regulation \(EC\) No 1008/2008 of the European Parliament and of the Council as regards the temporary extension of exceptional measures to address the consequences of the COVID-19 pandemic with regard to operating licences \(Text with EEA relevance\)](#).

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2018/1392 reg. 7](#)
- Regulation title amended by [S.I. 2018/1392 Sch. 2 para. 2](#)
- Art. 9 words substituted by [S.I. 2018/1392 Sch. 2 para. 11\(2\)](#)
- Art. 9(1a) words substituted by [S.I. 2018/1392, Sch. 2 para. 11\(2A\)](#) (as inserted) by [S.I. 2020/1632 reg. 2\(3\)](#)
- Art. 9(1b)-(1d) omitted by virtue of [S.I. 2018/1392, Sch. 2 para. 11\(2B\)](#) (as inserted) by [S.I. 2020/1632 reg. 2\(3\)](#)
- Art. 9(2) words omitted by [S.I. 2018/1392 Sch. 2 para. 11\(3\)](#)
- Art. 9(5) words substituted by [S.I. 2018/1392 Sch. 2 para. 11\(4\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2018/1392 Sch. 2 para. 22](#)
- Art. 2(2) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(2\)](#)
- Art. 2(7) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(3\)](#)
- Art. 2(8) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(4\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(a\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(b\)](#)
- Art. 2(11A) inserted by [S.I. 2018/1392 Sch. 2 para. 4\(6\)](#)
- Art. 2(13)(14) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(7\)](#)
- Art. 2(18)(19) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(8\)](#)
- Art. 2(20)-(22) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(9\)](#)
- Art. 2(26) substituted by [S.I. 2018/1392 Sch. 2 para. 4\(10\)](#)
- Art. 4(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(b\)](#)
- Art. 4(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(c\)](#)
- Art. 4(f) omitted by [S.I. 2018/1392 Sch. 2 para. 6\(d\)](#)
- Art. 13(3)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(ii\)](#)
- Art. 13(3)(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(i\)](#)
- Art. 13(3)(b) words inserted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(ii\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(i\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392, Sch. 2 para. 14\(4\)\(c\)\(zi\)](#) (as inserted) by [S.I. 2019/687 reg. 5\(4\)](#)
- Art. 16(3)(a) words inserted by [S.I. 2018/1392 Sch. 2 para. 17\(4\)\(b\)](#)
- Art. 16(4)(c) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(5\)\(b\)\(ii\)](#)
- Art. 16(12)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(c\)](#)
- Art. 16(12)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(d\)](#)
- Art. 17(5)(a) omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(a\)](#)
- Art. 17(5)(d) words omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(b\)](#)