

## **Procedure on distribution of traffic rights to Community air carriers**

Decision making process on distribution of traffic rights is under sole jurisdiction of the Ministry of Transport according to Act no. 49/1997 Coll., on civil aviation, as amended by the Act no. 225/2006 Coll. and Act no. 500/2004 Coll, Administrative Code.

The Ministry of Transport decides on allocation of respective traffic rights on the basis of written application, which is submitted in the Czech or English language to the following address:

Ministry of Transport  
Civil Aviation Department  
nábřeží Ludvíka Svobody 12/1222  
P.O.Box 9  
110 15 Prague 1  
Czech Republic

Tel.: +420 225 131 390  
Fax: +420 225 131 032

Application on allocation of traffic rights shall contain:

1. name of air carrier, address of place of business (eventually address of service), identification number or any other similar data, signatures;
2. description of services offered including time period and type of operation;
3. proposal of timetable including specification of traffic rights;
4. type of aircraft and its configuration;
5. expected starting date of operation;
6. tariffs offered;
7. expected operating rentability;
8. description of methods of offering services including distribution of transport documents; and
9. integration in own present route network and connection with other air carrier's route network;

and is documented by:

1. operating licence in accordance with Council Regulation (EEC) No. 2407/92;
2. air operators certificate (AOC) including operations specifications with appropriate geographical specification, which cover required traffic rights;
3. insurance certificate as regards aviation-specific liability in respect of passengers, baggage, cargo and third parties; and
4. security programme.

The Ministry of Transport publishes information about receiving of first application on allocation of traffic rights on official board and simultaneously on internet site ([www.mdcr.cz](http://www.mdcr.cz)) within 7 days from its delivery. Other air carriers may submit application on allocation of traffic rights in the same issue within 21 days period from publishing information about first application.

The Ministry of Transport in process of allocation of traffic rights takes the following into consideration:

1. type and quality of offered air services;
2. frequency of offered air services and offered capacity;
3. expected starting date of operation and time period of operation;
4. availability of services offered to consumers;
5. tariffs offered; and
6. ensurance of transport services including connection and integration to present route network.

The Ministry of Transport decides about application on allocation of traffic rights within 60 days period from delivery of first application. Decision on allocation of traffic rights is issued for 10 years period. The Ministry of Transport publishes the decision on allocation of traffic rights on its official board and simultaneously on the web site [www.mdcr.cz](http://www.mdcr.cz) . The allocated traffic rights shall not be ceded to other entity. In case of withdrawal or not granting traffic rights by competent authority of third country, air carrier is obliged to notice this fact to the Ministry of Transport in writing.

The Ministry of Transport withdraws allocated traffic rights, if:

1. air carrier will not start operation on specified route within 6 months period from a day, when the decision on allocation of traffic rights comes into legal force;
2. air carrier does not exercise allocated traffic rights for more than 12 successive months;
3. competent authority of third country does not issue or withdraw air carrier's respective operating authorization; or
4. air carrier fails to fulfill conditions stipulated in decision on allocation of traffic rights.

There is possibility to bring an appeal against decision on allocation of traffic rights within 15 days from notice of decision to the Minister of Transport by way of the Civil Aviation Department of the Ministry of Transport. There is also possibility to bring an action to competent administrative court according to Act no. 150/2002 Coll., after exhaustion of all legal means.