

UNMIK/DIR/2004/28  
28 October 2004

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**ADMINISTRATIVE DIRECTION NO. 2004/28**

**IMPLEMENTING UNMIK REGULATION NO. 2004/5 ON THE  
PROVISIONAL REGULATION OF CIVIL AVIATION IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to United Nations Interim Administration Mission in Kosovo ("UNMIK") Regulation No. 2004/5 of 23 February 2004 On the Provisional Regulation of Civil Aviation in Kosovo and UNMIK Regulation No. 2003/18 of 13 June 2003 On the Establishment of a Civil Aviation Regulatory Office for Kosovo,

For the purpose of setting out the rules and procedures governing permits and other approvals required for flights to and from Kosovo and governing the allocation of slots to air carriers for flights to and from Pristina Airport,

Hereby issues the following Administrative Direction:

**Chapter 1**  
**Scope and Definitions**

Section 1  
Scope of Application

This Administrative Direction applies to all air carriers that operate or intend to operate flights to and from Kosovo carrying passengers, baggage cargo or mail and governs the application for, issuance and suspension or revocation of Permits and Approval Notices and the allocation of slots for flights to and from the Airport.

Section 2  
Definitions and Interpretation

2.1 In this Administrative Direction:

“Airport” means Pristina (Slatina) Airport;

“Approval Notices” means a Flight Approval Notices (FAN) or a Shared Operations Approval Notices (SOAN) ;

“CARO” means the Civil Aviation Regulatory Office established pursuant to UNMIK Regulation No. 2003/18;

“Flight Approval” means a flight approval issued to an air carrier by CARO;

“Flight Approval Notice (FAN)” means a notice issued by CARO to an Air Carrier in accordance with Chapter 2 of this Administrative Direction;

“ICAO” means the International Civil Aviation Organization;

“KACP” means a Kosovo Air Carrier’s Permit ;

“Kosovo Air Carrier’s Permit (KACP)” means a permit issued by CARO to an air carrier in accordance with Section 16.1 UNMIK Regulation No. 2004/5 and Chapter 2 of this Administrative Direction;

“Operating Permit” means any operating permit issued to an air carrier by CARO;

“Permit” means a Kosovo Air Carrier’s Permit (KACP) or any other Operating Permit issued by CARO;

“SARPs” means the current version of the international standards and recommended practices of ICAO contained in Annexes 1 to 18 to the Convention on International Civil Aviation;

“Shared Operations Approval Notice (SOAN)” means a notice issued by CARO to an Air Carrier in accordance with Chapter 2 of this Administrative Direction;

“Slot Abuse” includes, without limitation to:

(a) Holding or requesting slots that an air carrier does not intend to operate;

(b) Holding slots of a type of operation (route, services) for the purpose of denying capacity to another air carrier; or

(c) Requesting a slot for a type of operation with the intention of gaining improved priority including, but not limited to:

- (i) Applying for full scheduling season when the air carrier plans to operate for only part of the scheduling season;
- (ii) Applying for higher frequency of operations when a lower frequency of operations is planned;
- (iii) Applying to use a large aircraft when the air carrier plans to use small aircraft;
- (iv) Applying to extend the existing operation to a year round operation when a year round operation is not planned; and
- (v) Requesting slots as a new entrant when new entrant status is not applicable.

“Slot Co-ordinator” means the slot co-ordinator appointed by the PEAP for the time being;

“Slot Co-ordination Committee” means the committee established pursuant to Section 9.1 of this Administrative Direction;

“Slot Co-ordination Guidelines” means the rules governing the allocation of slots for flights operating to and from the Airport in accordance with international guidelines and practices approved by CARO;

“SOAN” means Shared Operations Approval Notice; and

“Business Day” means any day other than a Saturday or a Sunday or a designated UNMIK holiday.

2.2 The headings in this Administrative Direction are included for convenience only and do not affect the construction of this Administrative Direction

2.3 Words denoting the singular shall include the plural and vice versa. Words denoting gender shall include the other gender. Words denoting persons shall include bodies corporate, unincorporated associations and partnerships

2.4 References to any form or other document shall refer to such form or document as amended, supplemented or replaced from time to time.

2.5 References to Annexes, Chapters, Sections and Sub-sections are references to Annexes, Chapters, Sections and Sub-sections of this Administrative Direction.

2.6 References to any office within UNMIK, a PISG Ministry or a Publicly-Owned Enterprise shall include its successors.

2.7 Unless otherwise defined, technical terms and expressions shall be interpreted in accordance with their common international usage and the SARPs.

## **Chapter 2**

### **Permits and Approvals Notices**

#### Section 3

#### Application for and Renewal of Kosovo Air Carrier's Permits, Approval Notices

3.1 An air carrier that intends to operate regular scheduled services to and from Kosovo shall apply to CARO for a KACP for the relevant scheduling season using the application form prescribed by CARO together with the requirements set out in the Part I of the Annex.

3.2 An air carrier that intends to operate programmed charter services to and from Kosovo throughout a scheduling season, shall apply to CARO for a KACP for the relevant scheduling season using the application form prescribed by CARO together with the requirements set out in Part II of the Annex.

3.3 An air carrier may apply to CARO for the renewal of a KACP for the next equivalent scheduling season using the application form prescribed by CARO and to comply with all further requirements of CARO.

3.4 An air carrier that intends to operate ad-hoc flights to and from Kosovo shall apply to CARO for a Flight Approval Notice (FAN) using the application form prescribed by CARO together with the information and documents set out in Part III of the Annex.

3.5 The holder of a Permit that intends to operate additional or extra section flights to and from Kosovo shall apply to CARO for a FAN using the application form prescribed by CARO.

3.6 The holder of a KACP or FAN that intends to engage in shared operations with another air carrier with respect to flights operating to and from Kosovo shall apply to CARO for a Shared Operations Approval Notice (SOAN) using the application form prescribed by CARO together with the information and documents set out in Part IV of the Annex.

3.7 CARO may require an air carrier, which has applied for the issuance or renewal of a KACP or an Approval Notice pursuant to this Administrative Direction, to submit additional information and documents relating to the application.

3.8 Applications shall be sent to CARO by post, fax or e-mail, and:

(a) an application for the issuance or renewal of a KACP must, subject to Section 3.9, be received by CARO before the deadline published by CARO;

(b) an application for a FAN must be received by CARO at least three (3) business days before the date of the first proposed flight;

(c) an application for a Shared Operations Approval Notice, must be received by CARO at least twenty (20) business days before the date of the first proposed flight.

3.9 An air carrier may submit an application for the issuance or renewal of a KACP to CARO after the deadline for such application has expired, provided that such air carrier obtains the prior written consent of UNMIK.

3.10 CARO shall acknowledge receipt of an application made:

(a) for a KACP or SOAN, within five (5) business days of the date such application is received by CARO; or

(b) for a FAN within one (1) business day of the date such application is received by CARO.

#### Section 4

##### Issuance and Revocation of Kosovo Air Carrier's Permits, Approval Notices

4.1 Upon receipt of a satisfactory application for the issuance or renewal of a KACP made by an air carrier in accordance with this Administrative Direction, the Head of CARO shall, with the prior written approval of the Special Representative of the Secretary-General or his delegate for this purpose given pursuant to Section 16.1 UNMIK/REG/2004/5, issue a KACP not later than two (2) calendar months before the start of scheduling season in which the air carrier has requested it be able to operate flights or, for any application made pursuant to Section 3.9, not later than one (1) month after the date on which the application was received.

4.2 Upon receipt of a satisfactory application for a FAN made by an air carrier in accordance with this Administrative Direction, the Head of CARO shall issue to the air carrier a FAN not later than thirty six (36) hours before the first proposed flight, provided that, during the high season of a scheduling season, CARO shall not issue a FAN for an additional or extra section flight to an air carrier that has cancelled twenty per centum (20%) or more of the flights it was expected to operate during the scheduling season.

4.3 Upon receipt of a satisfactory application for a SOAN made by an air carrier in accordance with this Administrative Direction, the Head of CARO shall issue to the air carrier a SOAN not later than fourteen (14) days of the date of the first proposed flight.

## Section 5

### Termination and Revocation of Permits and Approvals Notices

5.1 A Permit or Approvals Notice shall terminate on the earlier of:

- (i) the last day of the period for which it was issued; or
- (ii) the date on any revocation or surrender of the Permit or Approvals Notice becomes effective.

5.2 CARO may revoke a Permit or an Approvals Notice issued to an air carrier if:

(a) any of the information or documents provided to CARO as a compliance requirement pursuant to the Annex on the basis of which a Permit has been issued to the air carrier is or becomes false, inaccurate or misleading, and in particular and without limitation any information or documents with respect to the insurance arrangements of the air carrier and the airworthiness of its aircraft operating to and from Kosovo;

(b) the air carrier engages in Slot Abuse or fails to comply with the Slot Co-ordination Guidelines;

(c) the air carrier fails to settle in full any financial obligations to the providers of aeronautical and airport related services in Kosovo;

(d) the air carrier does not comply with any applicable air navigation rules; or

(e) the air carrier does not comply with the applicable law in Kosovo, in particular, UNMIK/REG/2004/5 and any Administrative Directions or other subsidiary instruments issued thereunder.

5.3 An air carrier may surrender any Permit or Approvals Notice upon giving CARO twenty (20) business days prior written notice to CARO.

## **Chapter 3**

### **Slot Allocation**

#### Section 6

#### Slot Allocation

Slots for flights to and from the Airport shall be allocated to air carriers, which have been issued with a Permit and all necessary Approval Notices for such flights in accordance with the Slot Co-ordination Guidelines. The status of the Kosovo Designated Air Carrier shall be given due recognition in the allocation of Slots pursuant to the Slot Co-ordination Guidelines.

#### Section 7

#### The Slot Co-ordinator

Within 30 calendar days following the promulgation of this Administrative Direction and subject to the prior written approval of CARO, a Slot Coordinator shall be appointed by the Pristina Airport Management on the advice of UNMIK.

#### Section 8

#### Functions of the Slot Co-ordinator

8.1 The Slot Co-ordinator and in accordance with the instructions and guidelines approved by the Slot Coordination Committee shall:

- (a) allocate slots for flights to and from the Airport and prepare the winter and summer schedules in accordance with Section 6;
- (b) monitor the use of slots by air carriers operating flights to and from the airport;
- (c) report to the Slot Co-ordination Committee on a monthly basis with regard to the allocation and use of slots;
- (d) Compile, keep current and make available to the public by means of a freely available dedicated website managed by CARO the following information:
  - (i) historical slots by airline, chronologically, for all air carriers operating flights to or from the Airport;
  - (ii) requested slots, by carriers and chronologically, for all air carriers operating or intending to operate flights to or from the Airport;

- (iii) all allocated slots, and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers operating or intending to operate flights to or from the Airport;
- (iv) remaining available slots; and
- (v) full details on the criteria being used in the allocation.

## Section 9

### The Slot Co-ordination Committee

9.1 The Slot Co-ordination Committee shall have three (3) members, appointed by the Special Representative of the Secretary-General upon the recommendation of Deputy Special Representative of the Secretary-General for Economic Development and Reconstruction, of which:

- (i) one member shall be nominated by CARO;
- (ii) one member shall be nominated by the Airport Pristina Management; and
- (iii) one member shall be nominated by the Ministry of Transport and Communications.

9.2 Members of the Slot Co-ordination Committee shall be removed from the Slot Committee by the Special Representative of the Secretary-General upon the recommendation of Deputy Special Representative of the Secretary-General for Economic Development and Reconstruction, following a request of the member or of the entity that nominated such member.

9.3 The Slot Co-ordination Committee shall meet every month, the rules and procedures governing such meetings to be determined by the Slot Co-ordination Committee.

## Section 10

### Functions of the Slot Co-ordination Committee

The Slot Co-ordination Committee shall:

- (a) review the allocation of slots for flights to and from the Airport made by the Slot Co-ordinator, including the schedules for the winter and summer seasons, and, if appropriate under the Slot Co-ordination Guidelines, require the re-allocation such slots or revision of such schedules;
- (b) consider and determine complaints with respect to the allocation of slots for flights to and from the Airport and allegations of Slot Abuse;



- (c) review the methods of the Slot Co-ordinator for allocating slots for flights to and from the Airport;
- (d) make recommendations to CARO with respect to the Slot Co-ordination Guidelines; and
- (e) require the removal of the Slot Co-ordinator if, in the opinion of the Slot Co-ordination Committee, the Slot Co-ordinator has not followed the Slot Co-ordination Guidelines or implemented the recommendations and decisions of the Slot Co-ordination Committee.

## Section 11

### Slot Co-ordination Guidelines

11.1 CARO shall issue the Slot Co-ordination Guidelines within two (2) calendar months from the date of promulgation of this Administrative Direction

11.2 Any amendment, supplement or replacement to the Slot Co-ordination Guidelines, shall take effect on the date on which air carriers operating flights to and from the Airport have been notified of such amendment, supplement or replacement of the Slot Co-ordination Guidelines in accordance with Section 11.3.

11.3 CARO shall supply to the Slot Co-ordinator and each air carrier that operates or intends to operate flights to and from the Airport a copy of the Slot Co-ordination Guidelines, including any amendments, supplements or replacements of such guidelines:

- (a) within five (5) business days of the date on which such guidelines are issued, amended, supplemented or replaced; or

- (b) within five (5) business days of the date on which the CARO receives a request for a copy of the Slot Co-ordination Guidelines or any amendment, supplement or replacement thereof.

## **Chapter 4**

### **Miscellaneous**

#### Section 12

#### Administrative Sanctions

CARO may impose fines of up to one hundred thousand euro (€100,000) on any air carrier for any single violation and or revoke the Permits and Approvals Notices issued to that air carrier, if it:

- (i) carries persons, baggage, cargo or mail to or from Kosovo by air without a Permit or all necessary Approvals Notices; or
- (ii) does not comply with the conditions of its Permits and Approvals or of any relevant requirements under the applicable law.

#### Section 13

#### Transitional Provisions

13.1 Any Operating Permits or Flight Approvals issued to an air carrier shall remain valid until the end of the current scheduling season.

13.2 Any application for, or for the renewal of, an Operating Permit for the next scheduling season made before the promulgation of this Administrative Direction shall be deemed to be an application for, or for the renewal of, a Kosovo Air Carrier's Permit under this Administrative Direction

13.3 This Administrative Direction supersedes and overrides any previous provisions that may be inconsistent with any provisions herein.

#### Section 14

#### Entry into force

This Administrative Direction shall enter into force on the 28<sup>th</sup> day of October 2004.

Søren Jessen-Petersen  
Special Representative of the Secretary-General

## **ANNEX**

### **Documents and Information required in connection with Applications for Permits and Approval Notices pursuant to Section 3**

#### **Part I Permits for Regular Scheduled Services**

The following information and documents shall be submitted with an application for a Kosovo Air Carrier's Permit for regular scheduled services to and from Kosovo:

1. an air operator certificate or a declaration of competency from the appropriate aeronautical authorities of the State in which the air carrier is incorporated and has its principal place of business confirming that the air carrier is entitled to operate international air services in the category applied for;
2. a certificate of registration for each aircraft designated to operate to and from Kosovo, such aircraft to comply with applicable minimum navigational equipment requirements and runway or pavement weight limitations published in aeronautical information publications;
3. a valid certificate of airworthiness for each aircraft designated to operate to and from Kosovo;
4. specifications of the navigation equipment of each aircraft designated to operate to and from Kosovo;
5. documentary evidence, acceptable to CARO, that the air carrier has adequate liability insurance for damage that may arise out of its transport operations, including:
  - (a) aircraft third party liability insurance;
  - (b) third party liability insurance AVN 52 D; and
  - (c) passenger, baggage, cargo, mail and airline general liability insurance;
6. records showing the history of the air carrier's operations in Pristina;
7. a list of the aircraft that the air carrier is entitled to operate;

8. power of attorney authorising a person, acceptable to CARO, who has an aeronautical education and professional background, to act as the air carrier's representative in Kosovo together with an up-to-date copy of such person's curriculum vitae;
9. a copy of the air carrier's aviation security program;
10. general information about the air carrier, including (but not limited to) the type of operations it undertakes, the substantial ownership and effective control of its assets, its corporate structure, its network alliances, its partnerships and its most recent financial statements; and
11. a copy of the air carrier's certificate of business registration in Kosovo.

## **Part II**

### **Permits for Programmed Charter Services**

The following information and documents shall be submitted with an application for a Kosovo Air Carrier's Permit for programmed charter services to and from Kosovo:

1. the documents and information listed in Part I (1) to, and including, (11) of this Annex;
2. detailed information on the sales representation in Kosovo and at the main destinations;
3. detailed information on local arrangements for representation and financial matters pertaining to the operations in Kosovo; and
4. As directed by CARO, an irrevocable on-demand bank guarantee for no less than one hundred thousand euro (€100,000) made in favour of CARO from a reputable bank acceptable to CARO, to cover any damages which may be suffered by the Airport and passengers, including non-payment of financial obligations.

### **Part III**

#### **Flight Approval Notice**

The following information and documents shall be submitted with an application for a Flight Approval Notice for ad hoc flights to and from Kosovo:

1. the documents and information listed in Part I (1) to, and including, (5) of Annex I; and
2. a statement by the appropriate aeronautical authorities of the State in which the airline is incorporated and has its principal place of business confirming that the aircraft operators aviation security programme conforms with the requirements of ICAO.

### **Part IV**

#### **Shared Operation Approval Notice**

The following information and documents shall be submitted with an application for a Shared Operations Approval Notice for shared operations with respect to flights to and from Kosovo:

1. a copy of the agreement between the participating air carriers governing such shared operations; and
2. authorisation from the appropriate aeronautical authorities of the State or States in which the participating air carriers are incorporated and have their principal place of business.