ENTRY, TRANSIT AND DEPARTURE OF AIRCRAFT

1. GENERAL

All flights landing, taking-off or overflying Spanish territory shall be carried out in accordance with the Spanish regulations with regard to Civil Aviation, as well as the Criminal, Police and Public Safety Provisions in force in Spain. Civil aircraft shall be given clearance in civil aerodromes and air bases opened to civil traffic. Special permission should be required from the Agencia Estatal de Seguridad Aérea (National Aviation Safety Agency) in order to land or take-off from any place not declared aerodrome open to civil air traffic. Should this permission not be presented, landing made in a place other than at aerodromes open to civil air traffic shall be considered as accidental and the Ley de Navegación Aérea (Air Traffic Law) and its supplementary provisions shall apply.

Aircraft operating in Spanish airspace shall hold an insurance covering injuries and damages caused to persons or objects transported and third parties on the surface.

Aircraft departing to or coming from an airport located outside the customs territory of the European Union, can only receive clearance in international airports of the European Union (see AD 1.3 section).

When an aircraft coming from an airport located outside the customs territory of the European Union lands in a noninternational airport, it may be retained there without clearance until the proper authorisation is received from the Agencia Estatal de Seguridad Aérea, following the provision of information and confirmation from the customs authorities (Departamento de Aduanas e Impuestos Especiales of the Agencia Estatal de Administración Tributaria).

2. STATE AIRCRAFT

Overflying and stopovers in Spain of foreign State aircraft require specific clearance. The management, control and assignment of these clearances depend on:

- Ministerio de Asuntos Exteriores, Unión Europea y Cooperación (Ministry of Foreign Affairs, European Union and Cooperation): Unidad de sobrevuelos y escalas dependiente de la Vocalía Asesora de Relaciones Institucionales (Overflying and Stopover unit dependant from the International Relations Advisory Committee).
- Ministerio de Defensa (MD) (Ministry of Defence): Ejército del Aire y del Espacio, (Air and Space Force), Mando Aéreo de Combate-Centro de Operaciones Aéreas (AOC) (Air Combat Command-Air Operations Center) and Dirección General de Política de Defensa (DIGENPOL) (Directorate General of Defence Policy).

Some of the following types of flights need special clearance:

- The use of sovereign territory and airspace for arrivals and departures of aircraft to/from Gibraltar aerodrome.
- Overflying prohibited or restricted areas.
- Non-previously agreed air exercises, manoeuvres and lowflying flights.
- Overflying of armed aircraft or equipped with cameras or other reconnaissance sensors installed on board for use.
- Electronic counter-measure flights.
- Flights carrying chemical or bacteriological weapons, or radioactive materials.
- Flights carrying dangerous cargoes such as armaments, ammunition and explosives.
- Air refuelling over Spanish territory.

It is a Spanish government policy not to allow any aircraft carrying armaments and/or nuclear material on board to overfly the Spanish territory.

Foreign State aircraft shall not be able to perform VFR flights in Spanish airspace without prior authorisation. In the same way, they will not be authorised to change their flight plan from IFR to VFR. Therefore, foreign State aircraft wanting to overfly Spanish territory and its territorial waters must do so with an IFR or OIFR flight plan, the latter only being used upon agreement. This does not exempt them from the obligation of sending the corresponding PPR.

Besides the diplomatic authorisation that could be necessary, foreign State aircraft will request a PPR to their Base, in view of the restrictions it may have. The PPR number will be adjusted to the yearly calendar day adding a number 1, 2, 3, etc. to every request of the day.

3. AIRPORT SLOT COORDINATION - SCHEDULE FACILITATION

The Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) is responsible for providing the Slots Coordination /Schedule Facilitation service, pursuant to EEC Regulation No. 95/93 (amended by EC Regulation No. 793/2004), the practices recommended by the industry (in particular, those set out in the IATA Worldwide Slot Guidelines) and the existing local regulations.

AECFA is, therefore, responsible for making optimum use of the available capacities at airports with Spanish sovereignty which have been declared as Coordinated airports or Schedules-Facilitated airports pursuant to the amended (EEC) Regulation No. 95/93, allocating the scheduled arrival and departure times for all flights, apart from those which are expressly exempt under the procedure in force, to prevent congestion and delays, thus making the best use of the airport's available capacity.

In order to authorise the schedule at Spanish airports, it is mandatory in any case to submit a flight plan in order to obtain acceptance thereof, according to the provisions of Reglamento de Circulación Aérea (Air Traffic Regulations).

The contact details and opening hours of AECFA are as follows:

Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA)
Postal Address (registered office):
Edificio de Servicios Generales
Avenida Central, 1 - Oficina 422, 4ª Planta
Centro de Carga Aérea - Aeropuerto Adolfo Suárez
Madrid-Barajas
28042 Madrid (SPAIN)
E-mail: slots@aecfa.es (solicitud de slots)
slot.coord.admin@aecfa.es (otros asuntos)
TEL: +34-913 937 750
FAX: +34-913 937 751
Office Hours (Monday to Friday, except public holidays):
Monday-Tuesday-Wednesday-Thursday: 0800-1700 LT (0800-1500 LT during July and August).
Friday: 0800-1500 LT.

3.1 CLASSIFICATION OF SPANISH AIRPORTS

In accordance with the provisions of Article 3 of the amended (EEC) Regulation No 95/93, Spanish airports have been classified as follows based on the relationship between the declared capacity and the existing operational demand at each airport (Royal Decree-Law 15/2001):

1. Coordinated airports: Alicante/Alicante-Elche Miguel Hernández, Barcelona/Josep Tarradellas Barcelona-El Prat, Bilbao, Fuerteventura, Gran Canaria, Ibiza (summer season), Lanzarote/César Manrique Lanzarote, Madrid/Adolfo Suárez Madrid-Barajas, Málaga/Costa del Sol, Menorca (summer season), Palma de Mallorca, Tenerife Norte/ Ciudad de la Laguna, Tenerife Sur y Valencia
2. Schedule Facilitated Airports: A Coruña, Almería, Asturias, Ciudad Real, Girona, Granada/Federico García Lorca. Granada-Jaén, Ibiza (winter season), Jerez, La Palma, Menorca (winter season), Murcia/Aeropuerto de la Región de Murcia, Murcia/San Javier, Pamplona, Reus, San Sebastián, Santander/Seve Ballesteros-Santander, Sevilla.

3.2 DEFINITION OF AIRPORT SLOT

Airport Slot is the permission given by a Coordinator in accordance with EEC Regulation No. 95/93 for the use of the entire airport infrastructure required for the purpose of landing or taking off on a specific date and at a specific time and allocated by a Coordinator, pursuant to said Regulation, for the provision of an air service in a coordinated airport.

The airport slot allocation does not represent any ownership rights over the slot for the company that has been granted the authorisation.

3.3 PROCEDURE FOR REQUESTING OPERATING SLOTS/SCHEDULES AT SPANISH AIRPORTS

The following procedure applies to all passenger/goods flights operating at Spanish airports designated as Coordinated or Schedule Facilitated airports.

COMMERCIAL FLIGHTS

a. The scheduled arrival and departure times (on-block time) for all commercial flights that operate in airports designated as Coordinated or Schedule Facilitated airports must be requested at the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA), in order to be allocated an available airport slot at airports declared as Coordinated, or to confirm or propose an alternative schedule at Schedule Facilitated airports.

b. The allocation of an airport slot at the scheduled operation time is an essential prerequisite for all flights arriving at and departing from Spanish airports declared as Coordinated.

c. Requests for slots or operating times at airports where these are required must be made in accordance with the instructions specified in the IATA Standard Schedules Information Manual (SSIM).

d. Requests to the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) should preferably be made through the SITA network or by E-mail. If this is not possible these may be sent by fax or presented in person.

e. Replies to the requests received by the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) will be issued via the same channel used by the interested party, within three working days from the date of the request.

f. The arrival and departure schedules for all flights that operate in Spanish airports which are Coordinated and Schedule Facilitated have to be confirmed by the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) before they can be published by the airlines.

g. The allocation of an airport slot or the confirmation of an operating schedule by the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) in no way substitutes:

   1. The authorisation of Traffic Rights.
   2. The presentation of the Flight Plan.
   3. An ATFM slot allocation where necessary.
   4. The corresponding diplomatic authorisation.

h. Notifications of changes made to and cancellations of flights which are already coordinated (or authorised) at airports declared as Coordinated (or Schedule Facilitated) must be addressed to the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA), which will be responsible for authorising them.

i. The Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) may request additional information on the operation from the airline at any time.

j. The Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) will only allocate slots (in the case of Coordinated airports) or authorise scheduled operating times (in the case of Schedule Facilitated airports) within the operating hours of each airport, unless the airline has permission from the Airport Management to operate outside the operating hours.

k. At airports designated as Coordinated or Schedule Facilitated, notification of isolated, exceptional operations, which constitute a new flight, or changes to and cancellations of flights which are already coordinated or authorised which occur outside the opening hours of the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA) on the working day prior to the flight date (real time in H24 mode) [1] , should be sent, using the standard format, directly to the Operations Centre of each airport. This centre will be responsible for authorising or refusing the isolated flight operation in question in accordance with the airport's available capacity. This operation will be classed as an incident for the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA).
   Airlines must send copies of all their communications with the Asociación Española para la Coordinación y Facilitación de Franjas horarias (AECFA).

l. At Coordinated airports, the ARO offices are authorised not to accept flight plans for which the EOBT or ETA do not match the previously allocated airport slot.

[1] At Madrid/Adolfo Suárez Madrid-Barajas (MAD) and Tenerife Sur (TFS) airports this real time period is from 12:00 LT of the working day prior to the flight date (H36 mode). At Barcelona/Josep Tarradellas Barcelona-El Prat (BCN) and Palma de Mallorca (PMI) airports the real time period runs from the closing time of the Airport Slot Coordination Office on the working day prior to the flight date (H48 mode).

NON-COMMERCIAL FLIGHTS

All general aviation, business, air taxi, testing and training flights must adhere to the following procedure:

a. At airports declared as Coordinated the procedure to be followed by general aviation, business, air taxi, testing and training flights is exactly the same as the procedure which applies to commercial flights at Coordinated airports.

b. At Schedule Facilitated airports, the procedure for general aviation, business, air taxi, testing and training flights will be as follows:

- The flight operator will request authorisation directly from the Operations Centre of each airport a minimum of three hours before the estimated time of arrival (ETA) and/or the estimated time of departure (ETD), providing the following information:
  - flight date and time;
  - flight identification (flight number and registration mark);
  - type of aircraft;
  - origin airport and arrival time;
  - destination airport and departure time.
- Based on the level of congestion at the airport, the Operations Centre will decide whether or not to authorise the requested operation schedule. At busy times they may offer alternative schedules.
- A series of training flights will be coordinated by the operations centre of each airport.

EXEMPTIONS TO THE PROCEDURE

The following flight categories are exempt from the procedure described above for requesting slots/operating times at Spanish airports:

- Flights which are diverted to an alternative aerodrome for technical or meteorological reasons.
- Flights undertaken for humanitarian reasons.
- Flights on search and rescue missions.
- State flights.
- Other flights which are granted exemption by the competent authority.

3.4 ADMINISTRATIVE SANCTIONS

Failure to comply with the above mentioned rules may lead to the application of sanctions as set out in the Spanish Air Security Law 21/2003 (Article 49) and community legislation relating to the allocation of airport slots (in particular, Article 14 of the amended EEC Regulation No. 95/93).

4. AIR TRAFFIC COMMERCIAL PERMISSION

Spain, as a signatory State of the International Civil Aviation Convention (Chicago, 1944), allows overflight and technical landing operations of airlines belonging to the signatory States of such Convention if they are also signatories of the Agreement on Free Transit. Therefore, any aircraft registered in a contracting State of the Agreement on Free Transit will have the privilege to overfly the Spanish territory and land for non-commercial purposes without any notification in advance or without permission, provided the conditions prescribed in said agreements are complied with and subject to the provisions described on item GENERAL, paragraph 2.

Under the EC Regulation 1008/2008 of the European Parliament and of the Council of 24 September on common rules for the operation of air services in the Union, air carriers with an operating license issued in application of Regulation (EC) No.1008/2008 shall have free access to the intra-Community routes, with the only exception of those in which Public Service Obligations had been declared, which are subject to specific conditions.

Therefore, such air carriers are not obliged to submit requests for authorisation of intra-Community flights, and they do not have to request authorization for the non-programmed services that they intend to carry out between Spain and third countries (not E.U.).

5. ACCREDITATION

As a general rule, accreditation is mandatory for airlines from third countries (non-EU countries) wanting to perform commercial air operations, scheduled or non-scheduled, of passengers, cargo and/or mail, to or from airports located on Spanish territory, including airlines offering their services by means of code-sharing agreements, even when acting only as marketers.

Airlines are exempted from the accreditation requirement (without prejudice to the obligation to obtain the rest of authorizations that could be pertinent in accordance with the current legislation) if their operations are limited to the following:

- State Flights.
- Flights with humanitarian purposes.
- Non-scheduled (charter) operations in no more than three flights per IATA season.

The National Aviation Safety Agency (AESA) is the organisation in charge of providing accreditation to thirdcountry airlines (non-EU countries) to perform air operations in Spain.

The accreditation procedure is regulated by Royal Decree 1392/2007 of 29 October (Official State Gazette (BOE) No. 276 of 17 Nov.) and is available along with the procedures on information and forms required for processing , in AESA´s electronic site which can be accessed through the following link from the AESA's website:

https://www.seguridadaerea.gob.es/es/ambitos/operaciones-aereas/permisos-comerciales/acreditacion-de-operadores-aereos-de-terceros-paises

6. SCHEDULED FLIGHTS

Third-country airlines (non-EU) that have signed a Bilateral Air Agreement or another kind of international air agreement in force with Spain may operate International scheduled flights provided that the terms of the mentioned Agreements are complied with in respect of Traffic Rights, tariffs, routes, etc. and after obtaining accreditation and authorisation from AESA.

If there is not any kind of International Air Agreement in force between Spain and the other State, air carriers that belong to this State can be discretionally authorised to perform scheduled air operations provided that such State, by virtue of principle of reciprocity, shows its intention to grant equivalent traffic rights to Spanish airlines should they try to perform similar operations.

For more information related to the countries that have established such bilateral air agreements with Spain, please contact:

DIRECCIÓN GENERAL DE AVIACIÓN CIVIL
Subdirección General de Transporte Aéreo
Área de Convenios Internacionales
Paseo de la Castellana, 67
28071 - Madrid (SPAIN)
TEL: +34-915 977 761
FAX: +34-915 978 643

Information about procedures to request authorisation for Scheduled air operations (programmed, occasional or additional) along with their necessary form, can be found on the following link in Agencia Estatal de Seguridad Aérea website:

https://www.seguridadaerea.gob.es/es/ambitos/operaciones-aereas/permisos-comerciales/permisos-comerciales-de-traficoaereo

7. NON SCHEDULED FLIGHTS

Third-country airlines (non-EU) may operate International non-scheduled flights in Spain provided that such countries, by virtue of the principle of reciprocity, should grant equivalent traffic rights to Spanish airlines should they try to perform similar operations.

To perform non-scheduled commercial air operations it is compulsory to obtain previous authorisation from AESA.

Information about procedures to request authorisation for Non-Scheduled air operations (programmed, occasional or additional) along with their necessary forms can be found on the following link in Agencia Estatal de Seguridad Aérea website:

https://www.seguridadaerea.gob.es/es/ambitos/operaciones-aereas/permisos-comerciales/permisos-comerciales-de-traficoaereo

To obtain information or solve any doubt about accreditation or authorisation procedures described above, please contact:

AGENCIA ESTATAL DE SEGURIDAD AÉREA

División de Servicios Aéreos y Operadores Extranjeros
Servicio de Permisos Comerciales de Tráfico Aéreo
Paseo de la Castellana 112, Planta 6
28046 - Madrid (SPAIN)
E-mail: permisos.comerciales@seguridadaerea.es