Ensuring basic air connectivity with regard to the withdrawal of the United Kingdom from the Union

2018/0433(COD) - 13/02/2019 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 57 votes to 4, with 28 abstentions, amendments on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union.

The matter was referred to the relevant committees for inter-institutional negotiations.

The purpose of the proposal is to establish interim measures to govern air transport between the Union and the United Kingdom after the United Kingdom withdraws from the Union, in the absence of an agreement. The proposed act would complement Regulation (EC) No 1008/2008 of the European Parliament and of the Council so that basic connectivity is ensured, despite the fact that the regulation will no longer apply to the transport operations in question.

The main amendments adopted in plenary related to the following:

Temporary exemption from ownership requirement

The Commission could grant a temporary exemption from the ownership obligation provided for in Article 4(f) of Regulation (EC) No 1008/2008 at the request of an air carrier, provided that it fulfils a series of conditions:

- it holds a valid operating licence within the meaning of Regulation (EC) No 1008/2008 on the day before the first day of application of this regulation;

- the United Kingdom or United Kingdom nationals, or a combination of both, own less than 50% of the company;

- the Member States of the Union or nationals of the Member States of the Union, or a combination of both, effectively control the company;

- the presentation of credible plans to change its ownership structure as soon as possible.

The exemption could be granted for a period not exceeding March 30, 2020 and would not be renewable.

Rights to perform transport services

UK air carriers may perform scheduled and non-scheduled international air transport services, ***including code-sharing,*** for passengers, combination of passengers and cargo and all-cargo services between any pair of points of which one is situated in the territory of the United Kingdom and the other one is situated in the territory of the Union

In order to maintain mutually beneficial levels of connectivity, Members believe that commercial cooperation agreements, such as code-sharing, should be foreseen for both British and EU-27 air carriers, in accordance with the principle of reciprocity.

Reciprocity and fair competition

The Commission should be able to adopt delegated acts (rather than implementing acts) in respect of restoring equivalence or remedying situations of unfair competition by appropriate measures.

In this context, it could propose a capacity cap on routes between the United Kingdom and each Member State or measures to remedy the United Kingdom's application of standards for the protection of passenger rights, workers' rights, safety, security or environmental protection that are less stringent than those provided for by Union law.

At the latest on the date of entry into force of the regulation, the Commission should be mandated to open negotiations with the United Kingdom on a comprehensive air transport agreement.