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

2018/0433(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 653 votes to 21 with 5 abstentions a legislative resolution 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 position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Objective

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interim measures to govern air transport between the Union and the United Kingdom after the United Kingdom has withdrawn from the EU, in the absence of a withdrawal agreement.

The measures would allow carriers licensed by the United Kingdom to provide air transport services between the United Kingdom and the remaining 27 Member States. The rights thus granted would be subject to the United Kingdom granting equivalent rights to air carriers licensed by the Union and would be subject to certain conditions ensuring fair competition.

Traffic rights

Air carriers from the United Kingdom could, under the conditions set out in the regulation:

- fly over the territory of the Union without landing there;

- make stopovers in the territory of the Union for non-commercial purposes within the meaning of the Chicago Convention;

- operate scheduled and non-scheduled international air transport services for passengers, combined passenger and freight services and freight services only, between two points, one of which is located in the United Kingdom and the other in the territory of the Union;

- for a maximum period of 5 months from the first day of application of the regulation to operate scheduled and non-scheduled international air transport services for freight services only, between two points, one of which is located in the territory of the Union and the other in the territory of a third country, in the context of services whose point of origin or destination is located in the United Kingdom;

- for a maximum period of 7 months from the first day of application of the regulation, continue to provide scheduled air services on routes subject to public service obligations where the operating right was granted in accordance with Regulation (EC) No 1008/2008 before the date of application of the regulation and subject to compliance with the conditions applicable to such services under Regulation (EC) No 1008/2008.

The amended regulations also provide for:

- the possibility of providing air transport services covered by the regulation through commercial cooperation agreements, such as capacity reservation or code-sharing agreements, under certain conditions;

- the possibility for a United Kingdom air carrier to provide air transport services (i) by using an aircraft leased without crew from any lessor; (ii) by using an aircraft leased with crew from another United Kingdom air carrier; (iii) by using an aircraft leased with crew from an air carrier of a country other than the United Kingdom, provided that the lease is justified by exceptional needs and that the lease period does not exceed what is strictly necessary to meet those needs;

- emergency measures as regards the treatment of operating licences in the light of ownership and control requirements, by way of derogation from Article 8 of Regulation (EC) No 1008/2008.

Reciprocity and fair competition

If the Commission considers that the rights granted by the United Kingdom to Union air carriers are not equivalent to those granted to United Kingdom air carriers, it would adopt without delay, in order to restore equivalence, implementing acts to:

- set limits on the authorised capacity of scheduled air transport services made available to United Kingdom air carriers and to require Member States to adapt the operating authorisations of existing and newly granted United Kingdom air carriers accordingly;

- require Member States to refuse, suspend or revoke such operating authorisations; or

- impose financial obligations or operating restrictions.

The regulation would apply from the day following the day on which EU law ceases to apply in the United Kingdom.