

Basic air connectivity in the event of no-deal Brexit – provisional agreement with the Parliament

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Today, the Romanian presidency reached a provisional agreement with the European Parliament on measures to mitigate the severe disruption to air connectivity for passengers and freight between the EU and the United Kingdom in the event that the UK leaves the EU without a deal. The agreement will enable UK-licenced carriers to provide basic air transport services between the UK and the remaining 27 member states. These rights will be conditional on equivalent rights being conferred by the UK and subject to conditions ensuring fair competition. The agreement will now be submitted for approval by member states' ambassadors in the Council's Permanent Representatives Committee.

A special provision ensures the right to continue to provide scheduled flights under public service obligations for 7 months after the date of application of the Regulation, in order to ensure continuity of the public services while national authorities make the necessary adaptations to the new situation.

Limited code-sharing and aircraft leasing arrangements, including wet lease, will be allowed under certain conditions.

If, as a result of Brexit, an air carrier holding an operating licence issued by an EU member state ceases to comply with EU ownership and control requirements, it will have 6 months after the date of application of the Regulation to fully meet all those requirements. To be able to benefit from this exception, air carriers will have two weeks from the entry into force of the regulation to submit a precise and complete plan presenting the measures intended to achieve full compliance with the ownership and control requirements as from 6 months after the date of application of the Regulation at the latest.

The regulation still needs to be formally adopted by both Parliament and the Council.

It would apply until an air transport agreement with the UK enters into force or 30 March 2020, whichever is the sooner.

Background

According to the overall principles for non-deal Brexit contingency measures, all such measures consist of unilateral EU-level action, on the assumption that the UK will reciprocate. The measures are exceptional in nature and strictly time-limited. The transport connectivity measures are not intended to replicate the status quo under EU law, but rather to preserve basic connectivity between the EU and the UK.

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