

WRITTEN QUESTION P-1100/08
by Joseph Muscat (PSE)
to the Commission

Subject: Airline take over

Malta Bargains Limited ceased an aircraft operations agreement with British Jet Limited following a seat allocation agreement with Air Malta plc.

The latter took over the aircraft previously used by British Jet in order to be able to meet the demands of that contract.

Nevertheless, the 13 cabin crew and employees that used to operate this aircraft were not taken over by Air Malta.

In view of European Union rules, in particular Directive 2001/23/EC¹, is the Commission of the opinion that such an operation classified as a de facto transfer of undertaking, and thus that Air Malta had to take over the British Jet employees?

¹ OJ L 82, 22.3.2001, p. 16.