Subject: Code sharing between EU and third country air carriers in the event of a no-deal Brexit

The Commission has been urging businesses to prepare for possible Brexit scenarios. However, proposal for a regulation COM(2018)0893 has proved to be open to interpretation as regards international agreements, the EU Treaties, and EU air transport regulations.

Under Article 15(5) of Regulation (EC) No 1008/2008 EU air carriers may engage in business cooperation with third country air carriers and hence agree among themselves and with third country carriers to combine air services and share codes. Such restrictions as might be imposed are laid down in an air service agreement between the third country concerned and the Community or between that third country and a Member State. Community law does not limit the rights which third country air carriers have to conclude agreements with EU air carriers on the matters referred to above.

Can the Commission confirm that the freedom afforded to EU air carriers under Regulation (EC) No 1008/2008, allowing them to combine their air services and enter into code share arrangements, also applies to business cooperation with British air carriers, irrespective of the possible entry into force of the regulation being proposed in COM(2018)0893?

Can it confirm that, when it comes to combining air services and sharing codes with EU air carriers, the proposed COM(2018)0893 regulation will not serve to impose any restrictions on British air carriers other than those which might have been laid down in any air service agreement between a Member State and the United Kingdom?

If the answer to either of the above questions is no:

Can the Commission explain why Regulation (EC) No 1008/2008 should apply to agreements with air carriers from all third countries bar the United Kingdom?

Can it demonstrate that restrictions imposed under the regulation proposed in COM(2018)0893 are non-discriminatory and will not limit competition among air carriers?