

Airline Operations

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) (Retained EU Legislation)

Unamended since 1 January 2021

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

Preamble



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty³,

Whereas:

(1)

A number of substantial changes are to be made to Council Regulations (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers⁴, (EEC) No 2408/92 of 23 July 1992 on access of Community air carriers to intra-Community air routes⁵, and (EEC) No 2409/92 of 23 July 1992 on fares and rates for air services⁶. In the interests of clarity, these Regulations should be recast and consolidated into one single Regulation.

(2)

In order to ensure a more efficient and consistent application of Community legislation for the internal aviation market a series of adjustments to the current legal framework is required.

(3)

Recognising the potential link between the financial health of an air carrier and safety, more stringent monitoring of the financial situation of air carriers should be established.

(4)

Given the growing importance of air carriers with operational bases in several Member States and the need to ensure the efficient supervision of these air carriers, the same Member State should be responsible for the oversight of the air operator certificate and of the operating licence.

(5)

To ensure consistent monitoring of the compliance with the requirements of the operating licences of all Community air carriers, licensing authorities should carry out regular assessments of the air carriers' financial situation. Therefore, the latter should provide sufficient information on their financial situation, especially in the first two years of their existence as these are particularly critical for the survival of an air carrier on the market. In order to avoid a distortion of competition arising from the different application of the rules at national level, it is necessary to reinforce the financial oversight of all Community air carriers by Member States.

(6)

To reduce risks to passengers, Community air carriers failing to fulfil the requirements for maintaining a valid operating licence should not be allowed to continue operations. In such cases, the competent licensing authority should revoke or suspend the operating licence.

(7)

According to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators⁷ an air carrier should be insured to cover liability in case of accidents with respect to passengers, cargo and third parties. Obligations should also be placed upon air carriers for insurance to cover liability in case of accidents with respect to mail.

(8)

In order to avoid excessive recourse to lease agreements of aircraft registered in third countries, especially wet lease, these possibilities should only be allowed in exceptional circumstances, such as a lack of adequate aircraft on the Community market, and they should be strictly limited in time and fulfil safety standards equivalent to the safety rules of Community and national legislation.

(9)

With respect to employees of a Community air carrier operating air services from an operational base outside the territory of the Member State where that Community air carrier has its principal place of business, Member States should ensure the proper application of Community and national social legislation.

(10)

In order to complete the internal aviation market, still existing restrictions applied between Member States, such as restrictions on the code sharing on routes to third countries or on the price setting on routes to third countries with an intermediate stop in another Member State (sixth freedom flights) should be lifted.

(11)

To take into account the special characteristics and constraints of the outermost regions, in particular their remoteness, insularity and small size, and the need to properly link them with the central regions of the Community, special arrangements may be justified regarding the rules on the period of validity of the contracts for public service obligations covering routes to such regions.

(12)

The conditions under which public service obligations may be imposed should be defined clearly in an unambiguous way, while the associated tender procedures should allow a sufficient number of competitors to take part in the tenders. The Commission should be able to obtain as much information as necessary to be able to assess the economic justifications for public service obligations in individual cases.

(13)

The rules in force with regard to traffic distribution between airports serving the same city or conurbation should be clarified and simplified.

(14)

It is appropriate to ensure that Member States have the possibility to react to sudden problems resulting from unforeseeable and unavoidable circumstances, which make it technically or practically very difficult to carry out air services.

(15)

Customers should have access to all air fares and air rates irrespective of their place of residence within the Community or their nationality and irrespective of the place of establishment of the travel agents within the Community.

(16)

Customers should be able to compare effectively the prices for air services of different airlines. Therefore the final price to be paid by the customer for air services originating in the Community should at all times be indicated, inclusive of all taxes, charges and fees. Community air carriers are also encouraged to indicate the final price for their air services from third countries to the Community.

(17)

The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁸.

(18)

Since the objective of this Regulation, namely more homogeneous application of Community legislation with regard to the internal aviation market cannot be sufficiently achieved by the Member States because of the international character of air transport, and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(19)

The Ministerial Statement on Gibraltar Airport, agreed in Cordoba on 18 September 2006, during the first ministerial meeting of the Forum of Dialogue on Gibraltar, will replace the Joint Declaration on the airport made in London on 2 December 1987, and full compliance with it will be deemed to constitute compliance with the 1987 declaration.

(20)

It is therefore necessary to repeal Regulations (EEC) No 2407/92, (EEC) No 2408/92 and (EEC) No 2409/92,

HAVE ADOPTED THIS REGULATION:

Notes

- 1 OJ C 175, 27.7.2007, p. 85.
- 2 OJ C 305, 15.12.2007, p. 11.
- 3 Opinion of European Parliament of 11 July 2007 (OJ C 175 E, 10.7.2008, p. 371), Council Common Position of 18 April 2008 (OJ C 129 E, 27.5.2008, p. 1) and Position of the European Parliament of 9 July 2008 (not yet published in the Official Journal).
- 4 OJ L 240, 24.8.1992, p. 1.
- 5 OJ L 240, 24.8.1992, p. 8.
- 6 OJ L 240, 24.8.1992, p. 15.
- 7 OJ L 138, 30.4.2004, p. 1.
- 8 OJ L 184, 17.7.1999, p. 23.

Extent

Preamble

United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 1 Subject matter



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 1 Subject matter

[1.

This Regulation regulates the licensing of UK air carriers, the imposition of public service obligations in respect of scheduled air services and information on pricing of air services within the United Kingdom.[It also lays down temporary rules on the supply of groundhandling services at airports in the United Kingdom.]²

]¹[...]³

Notes

- 1 Substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.3(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words inserted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.3 (December 31, 2020: commenced by an amendment)
- 3 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.3(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. I art. 1 art. para1- art. United Kingdom
para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 2 Definitions



Law In Force

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Subjects

Aviation

Article 2 Definitions

For the purposes of this Regulation:

1. *'operating licence'* means an authorisation granted by the competent licensing authority to an undertaking, permitting it to provide air services as stated in the operating licence;
2. *'competent licensing authority'* means [the authority]¹ entitled to grant, refuse, revoke or suspend an operating licence in accordance with Chapter II;
3. *'undertaking'* means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not;
4. *'air service'* means a flight or a series of flights carrying passengers, cargo and/or mail for remuneration and/or hire;
5. *'flight'* means a departure from a specified airport towards a specified destination airport;
6. *'local flight'* means a flight not involving carriage of passengers, mail and/or cargo between different airports or other authorised landing points;
7. *'airport'* means any area [...] ² especially adapted for air services;
8. *'air operator certificate (AOC)'* means a certificate delivered to an undertaking confirming that the operator has the professional ability and organisation to ensure the safety of operations specified in the certificate [...] ³ ;
9. *'effective control'* means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confer the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by:
 - (a) the right to use all or part of the assets of an undertaking;
 - (b) rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking;
10. *'air carrier'* means an undertaking with a valid operating licence or equivalent;

11. [*UK air carrier*] ⁴ means an air carrier with a valid operating licence granted by [the competent licensing authority] ⁵ in accordance with Chapter II;

[

11A. *'qualifying air carrier'* means:

(a) a UK air carrier; or

(b) any air carrier eligible to operate services on the route concerned under or by virtue of an agreement between the United Kingdom and another country;

] ⁶

12. *'business plan'* means a detailed description of the air carrier's intended commercial activities for the period in question, in particular in relation to the expected market development and the investments to be carried out, including the financial and economic implications of these activities;

[...]⁷

15. *'seat-only sales'* means the sale of seats, without any other service bundled, such as accommodation, directly to the public by the air carrier or its authorised agent or a charterer;

16. *'scheduled air service'* means a series of flights possessing all the following characteristics:

(a) on each flight seats and/or capacity to transport cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorised agents);

(b) it is operated so as to serve traffic between the same two or more airports, either:

—

according to a published timetable, or

—

with flights so regular or frequent that they constitute a recognisably systematic series;

17. *'capacity'* means the number of seats or the payload offered to the general public on a scheduled air service over a given period;

18. *'air fares'* means the prices [...] ⁸ to be paid to air carriers or their agents or other ticket sellers for the carriage of passengers on air services and any conditions under which those prices apply, including remuneration and conditions offered to agency and other auxiliary services;

19. *'air rates'* means the prices [...] ⁸ to be paid for the carriage of cargo and the conditions under which those prices apply, including remuneration and conditions offered to agency and other auxiliary services;

[...]⁹

23. *'management account'* means a detailed statement of income and costs of an air carrier for the period in question including a breakdown between air-transport-related and other activities as well as between pecuniary and non-pecuniary elements;

24. *'dry lease agreement'* means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee;

25. *'wet lease agreement'* means an agreement between air carriers pursuant to which the aircraft is operated under the AOC of the lessor;

[

26. *'principal place of business'* means the head office or registered office of a UK air carrier.

] ¹⁰

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 6 Definition inserted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 7 Definition repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(7) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(8) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 9 Definition repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(9) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 10 Definition substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.4(10) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

Extent

c. I art. 2 definition of United Kingdom
“operating licence” -
definition of “principal
place of business”

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 3 Operating licence



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 3 Operating licence

1.

No undertaking [which has its principal place of business]¹ in the [United Kingdom]² shall be permitted to carry by air passengers, mail and/or cargo for remuneration and/or hire unless it has been granted the appropriate operating licence.

An undertaking meeting the requirements of this Chapter shall be entitled to receive an operating licence.

2.

The competent licensing authority shall not grant operating licences or maintain them in force where any of the requirements of this Chapter are not complied with.

3.

Without prejudice to any other applicable provisions of [national or international law]³, the following categories of air services shall not be subject to the requirement to hold a valid operating licence:

- (a) air services performed by non-power-driven aircraft and/or ultralight power-driven aircraft; and
- (b) local flights.

Notes

- 1 Word substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.5(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 2 Word substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.5(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.5(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 3 art. para1- art. United Kingdom
para3(b)

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 4 Conditions for granting an operating licence



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 4 Conditions for granting an operating licence

An undertaking shall be granted an operating licence by the competent licensing authority [...] ¹ provided that:

- (a) its principal place of business is located in [the United Kingdom] ² ;
 - (b) it holds a valid AOC issued in accordance with Regulation (EU) 2018/1139 of the European Parliament and of the Council ³ either by a national authority of a Member State, by several national authorities of Member States acting jointly [by the Civil Aviation Authority]; ⁴
 - (c) it has one or more aircraft at its disposal through ownership or a dry lease agreement;
 - (d) its main occupation is to operate air services in isolation or combined with any other commercial operation of aircraft or the repair and maintenance of aircraft;
 - (e) its company structure allows the competent licensing authority to implement the provisions of this Chapter;
- [...] ⁵
- (g) it meets the financial conditions specified in Article 5;
 - (h) it complies with the insurance requirements specified in Article 11 and in Regulation (EC) No 785/2004; and
 - (i) it complies with the provisions on good repute as specified in Article 7.

Notes

- 1 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.6(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.6(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).
- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.6(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.6(d) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 4(a)-(i) United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 5 Financial conditions for granting an operating licence



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 5 Financial conditions for granting an operating licence

1.

The competent licensing authority shall closely assess whether an undertaking applying for the first time for an operating licence can demonstrate that:

- (a) it can meet at any time its actual and potential obligations established under realistic assumptions, for a period of 24 months from the start of operations; and
- (b) it can meet its fixed and operational costs incurred by operations according to its business plan and established under realistic assumptions, for a period of three months from the start of operations, without taking into account any income from its operations.

2.

For the purposes of the assessment referred to in paragraph 1, each applicant shall submit a business plan for, at least, the first three years of operation. The business plan shall also detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings. The applicant shall also provide all relevant information, in particular the data referred to in point 1 of Annex I.

3.

Paragraphs 1 and 2 shall not apply to an undertaking applying for an operating licence intended to cover operations with aircraft of less than 10 tonnes maximum take-off mass (MTOM) and/or less than 20 seats. Such undertakings shall demonstrate that their net capital is at least [£87,000]¹ or provide, when required by the competent licensing authority, all relevant information for the purposes of the assessment referred to in paragraph 1, in particular the data referred to in point 1 of Annex I.

The competent licensing authority may nevertheless apply paragraphs 1 and 2 to an undertaking applying for an operating licence under the provisions of the previous subparagraph that intends to operate scheduled air services or whose turnover exceeds [£2,600,000]² per year.

Notes

- 1 Figure substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.7(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Figure substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.7(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 5 art. para1- art. United Kingdom
para3

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art. 6 Air operator certificate



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 6 Air operator certificate

1.

The granting and validity of an operating licence shall be dependent on the possession of a valid AOC specifying the activities covered by that operating licence.

2.

Any modification to the AOC of a [UK air carrier]¹ shall be reflected, where appropriate, in its operating licence.

[...]²[...]³

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.8(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.8(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.8(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 6 art. para1- art. United Kingdom
para3a

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 7 Proof of good repute



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 7 Proof of good repute

1.

Where, for the purpose of issuing an operating licence, proof is required that the persons who will continuously and effectively manage the operations of the undertaking are of good repute or that they have not been declared bankrupt, the competent licensing authority shall accept as sufficient evidence in respect of [UK nationals]¹ the production of documents issued by the competent authorities in the [UK]² showing that those requirements are met.

2.

Where the [country]³ of origin or the [country]³ where the person has his/her permanent residence does not issue the documents referred to in paragraph 1, such documents shall be replaced by a declaration on oath or — in [countries]⁴ where there is no provision for declaration on oath — by a solemn declaration made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the [country]³ of origin or the [country]³ where the person has his/her permanent residence. Such authority, notary or qualified professional body shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

3.

The competent licensing authority may require that the documents and certificates referred to in paragraphs 1 and 2 be presented no more than three months after their date of issue.

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.9(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.9(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.9(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.9(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 7 art. para1- art. United Kingdom
para3

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art. 8 Validity of an operating licence



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 8 Validity of an operating licence

1.

An operating licence shall be valid as long as the [UK air carrier]¹ complies with the requirements of this Chapter.

A [UK air carrier]¹ shall at all times be able on request to demonstrate to the competent licensing authority that it meets all the requirements of this Chapter.

2.

The competent licensing authority shall closely monitor compliance with the requirements of this Chapter. It shall in any case review compliance with these requirements in the following cases:

(a) two years after a new operating licence has been granted;

(b) when a potential problem has been suspected; or

(c) at the request of the [Secretary of State]².

[...]³.

The operating licence shall be resubmitted for approval when a [UK air carrier]⁴ :

(a) has not started operations within six months of the granting of an operating licence;

(b) has ceased its operations for more than six months; or

(c) which has been licensed on the basis of the first subparagraph of Article 5(3) intends to engage in operations with aircraft above the size threshold specified in Article 5(3) or no longer complies with the financial conditions set out therein.

4.

A [UK air carrier]⁴ shall provide to the competent licensing authority its audited accounts no later than six months following the last day of the respective financial year, unless otherwise provided for in

national law. During the first two years of operation of a [UK air carrier]⁴, the data as referred to in point 3 of Annex I shall be made available to the competent licensing authority upon request.

The competent licensing authority may at any time assess the financial performance of a [UK air carrier]⁴ to which it has granted an operating licence by requesting the relevant information. As part of such an assessment, the [UK air carrier]⁴ in question shall update the data referred to in point 3 of Annex I and provide it to the competent licensing authority upon request.

5.

A [UK air carrier]⁴ shall notify the competent licensing authority:

- (a) in advance of any plans for the operation of a new air service to a continent or a world region not previously served, or any other substantial change in the scale of its activities, including, but not limited to, changes in the type or number of aircraft used;
- (b) in advance of any intended mergers or acquisitions; and
- (c) within 14 days of any change in the ownership of any single shareholding which represents 10 % or more of the total shareholding of the [UK air carrier]⁴ or of its parent or ultimate holding company.

6.

If the competent licensing authority deems the changes notified under paragraph 5 to have a significant bearing on the finances of the [UK air carrier]⁴, it shall require the submission of a revised business plan incorporating the changes in question and covering, at least, a period of 12 months from its date of implementation as well as the data referred to in point 2 of Annex I, in addition to the information to be provided under paragraph 4.

The competent licensing authority shall take a decision on the revised business plan as to whether the [UK air carrier]⁴ can meet its existing and potential obligations during that period of 12 months. Such a decision shall be taken not later than three months after all the necessary information has been submitted to it.

7.

In relation to [UK air carriers]⁵ licensed by it the competent licensing authority shall decide whether the operating licence shall be resubmitted for approval in case of change in one or more elements affecting the legal situation of a [UK air carrier]⁶ and, in particular, in the case of a merger or takeover.

8.

Paragraphs 4, 5 and 6 shall not apply to [UK air carriers]⁷ exclusively engaged in operations with aircraft of less than 10 tonnes MTOM and/or less than 20 seats. Such [UK air carriers]⁷ shall at all times be able to demonstrate that their net capital is at least [£87,000]⁸ or to provide when required by the competent licensing authority the information relevant for the purposes of the assessment referred to in Article 9(2).

The competent licensing authority may nevertheless apply paragraphs 4, 5 and 6 to [UK air carriers]⁷ licensed by it that operate scheduled air services or whose turnover exceeds [£2,600,000]⁹ per year.

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Word substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 6 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 7 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(6)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Figure substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(6)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 9 Figure substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.10(6)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 8 art. para1- art. United Kingdom
para8

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 9 Suspension and revocation of an operating licence



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 9 Suspension and revocation of an operating licence

1.

The competent licensing authority may at any time assess the financial performance of a [UK air carrier]¹ which it has licensed. Based upon its assessment, the authority shall suspend or revoke the operating licence if it is no longer satisfied that this [UK air carrier]¹ can meet its actual and potential obligations for a 12-month period. Nevertheless, the competent licensing authority may grant a temporary licence, not exceeding 12 months pending financial reorganisation of a [UK air carrier]¹ provided that safety is not at risk, that this temporary licence reflects, when appropriate, any changes to the AOC, and that there is a realistic prospect of a satisfactory financial reconstruction within that time period.

1a.

Based on the assessments referred to in paragraph 1 carried out from 1 March 2020 to 31 December 2021, the competent licensing authority may decide before the end of that period not to suspend or revoke the operating licence of the [UK air carrier]² provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within the following 12 months. It shall review the performance of this [UK air carrier]² at the end of the 12-month period and decide whether the operating licence shall be suspended or revoked and a temporary licence shall be granted on the basis of paragraph 1.

[...]³².

Whenever there are clear indications that financial problems exist or when insolvency or similar proceedings are opened against a [UK air carrier]¹ licensed by it the competent licensing authority shall without delay make an in-depth assessment of the financial situation and on the basis of its findings review the status of the operating licence in compliance with this Article within a time period of three months.

[...]43.

When the audited accounts referred to in Article 8(4) have not been communicated within the deadline indicated in that Article, the competent licensing authority shall, without undue delay, request the [UK air carrier]¹ to communicate these audited accounts.

If the audited accounts are not communicated within one month, the operating licence may be revoked or suspended.

4.

The competent licensing authority shall suspend or revoke the operating licence if the [UK air carrier]¹ knowingly or recklessly furnishes the competent licensing authority with false information on an important point.

5.

In case a [UK air carrier's]⁵ AOC is suspended or withdrawn, the competent licensing authority shall immediately suspend or revoke that air carrier's operating licence.

6.

The competent licensing authority may suspend or revoke the operating licence of a [UK air carrier]¹ if such a carrier no longer satisfies the requirements relating to good repute set out in Article 7.

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.11(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.11 (December 31, 2020: commenced by an amendment)
- 3 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.11 (December 31, 2020: commenced by an amendment)
- 4 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.11(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.11(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 9 art. para1- art. United Kingdom
para6

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 10 Decisions on operating licences



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 10 Decisions on operating licences

1.

The competent licensing authority shall take a decision on an application as soon as possible, and not later than three months after all the necessary information has been submitted, taking into account all available evidence. The decision shall be communicated to the applicant. A refusal shall indicate the reasons therefor.

2.

Procedures for granting, suspending and revoking operating licences shall be made public by the competent licensing [authority]¹ .

[...]²

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.12(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.12(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 10 art. para1- art. United Kingdom
para3

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 11 Insurance requirements



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 11 Insurance requirements

Notwithstanding Regulation (EC) No 785/2004, an air carrier shall be insured to cover liability in case of accidents with respect to mail.

Extent

c. II art. 11 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 12 Registration



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 12 Registration

[1.

Aircraft used by a UK air carrier shall be registered in the United Kingdom. However, when used under a dry lease or a wet lease agreement in accordance with Article 13, such aircraft may be registered in the national register either of the United Kingdom or of another country.

]¹[...]²

Notes

- 1 Substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.13(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.13(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 12 art. para1- art.United Kingdom
para2

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 13 Leasing



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 13 Leasing

1.

Without prejudice to Article 4(c), a [UK air carrier]¹ may have one or more aircraft at its disposal through dry or wet lease agreement. [UK air carriers]² may freely operate wet-leased aircraft registered within [the United Kingdom or]³ the Community except where this would lead to endangering safety. [...]⁴

2.

A dry lease agreement to which a [UK air carrier]⁵ is a party or a wet lease agreement under which the [UK air carrier]⁵ is the lessee of the wet-leased aircraft shall be subject to prior approval in accordance with applicable [...]⁶ law on aviation safety.

3.

A [UK air carrier]⁷ wet leasing aircraft registered in a [country other than the United Kingdom or a Member State]⁸ from another undertaking shall obtain prior approval for the operation from the competent licensing authority. The competent authority may grant an approval if:

(a) the [UK air carrier]⁹ demonstrates to the satisfaction of the competent authority that all safety standards equivalent to those imposed by [...]¹⁰ national law are met; and

(b) unless otherwise provided for in an international agreement on wet-leasing signed by the [United Kingdom]¹¹ which is based on an Air Transport Agreement to which the [United Kingdom]¹¹ is a party and which was signed before 1 January 2008, one of the following conditions is fulfilled:

(i) the [UK air carrier]¹² justifies such leasing on the basis of exceptional needs, in which case an approval may be granted for a period of up to seven months that may be renewed once for a further period of up to seven months;

(ii) the [UK air carrier]¹² demonstrates that the leasing is necessary to satisfy seasonal capacity needs, which cannot reasonably be satisfied through leasing aircraft registered within the Community [or the United Kingdom]¹³ , in which case the approval may be renewed; or

(iii) the [UK air carrier]¹² demonstrates that the leasing is necessary to overcome operational difficulties and it is not possible or reasonable to lease aircraft registered within the Community [or the United Kingdom]¹³ , in which case the approval shall be of limited duration strictly necessary for overcoming the difficulties.

4.

The competent authority may attach conditions to [an approval granted under paragraph 3]¹⁴ . Such conditions shall form part of the wet lease agreement.

[

The competent authority may refuse to grant the approval if there is no reciprocity as regards wet leasing between the United Kingdom and the country where the wet-leased aircraft is registered.

]¹⁵[...]¹⁶

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words inserted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(2)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 4 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(2)(d) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 6 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 7 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(a)(i) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(a)(ii) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 9 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(b)(i) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 10 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(b)(ii) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 11 Word substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14 (December 31, 2020: commenced by an amendment)
- 12 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(c)(i) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 13 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(4)(c)(ii) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 14 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 15 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 16 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.14(5)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

Extent

c. II art. 13 art. para1- art. United Kingdom
para4

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 14 Right to be heard



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 14 Right to be heard

The competent licensing authority shall ensure that, when adopting a decision to suspend or revoke the operating licence of a [UK air carrier]¹, the [UK air carrier]¹ concerned is given the opportunity of being heard, taking into account the need, in some cases, for an urgency procedure.

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.15 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. II art. 14 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 15 Provision of intra-Community air services



Repealed

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.16 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 15 art. para1- United Kingdom
art. para5

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 16 General principles for public service obligations



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 16 General principles for public service obligations

1.

[The Secretary of State, following consultation with the airports concerned, the Government of Gibraltar, if such an airport is located there,]¹ and air carriers operating on the route, may impose a public service obligation in respect of scheduled air services between an airport in [the United Kingdom or Gibraltar and an airport serving either a peripheral or development region of the United Kingdom or Gibraltar, or on a thin route to any airport in the United Kingdom or Gibraltar,]² any such route being considered vital for the economic and social development of the region which the airport serves [or of Gibraltar]³ . That obligation shall be imposed only to the extent necessary to ensure on that route the minimum provision of scheduled air services satisfying fixed standards of continuity, regularity, pricing or minimum capacity, which air carriers would not assume if they were solely considering their commercial interest.

The fixed standards imposed on the route subject to that public service obligation shall be set in a transparent and non-discriminatory way.

2.

In instances where other modes of transport cannot ensure an uninterrupted service with at least two daily frequencies, the [Secretary of State]⁴ may include in the public service obligation the requirement that any [qualifying air carrier]⁵ intending to operate the route gives a guarantee that it will operate the route for a certain period, to be specified, in accordance with the other terms of the public service obligation.

3.

The necessity and the adequacy of an envisaged public service obligation shall be assessed by the [Secretary of State]⁶ having regard to:

- (a) the proportionality between the envisaged obligation and the economic development needs of the region [or, as the case may be, Gibraltar]⁷ ;
 - (b) the possibility of having recourse to other modes of transport and the ability of such modes to meet the transport needs under consideration, in particular when existing rail services serve the envisaged route with a travel time of less than three hours and with sufficient frequencies, connections and suitable timings;
 - (c) the air fares and conditions which can be quoted to users;
 - (d) the combined effect of all air carriers operating or intending to operate on the route.
4. [

When the Secretary of State proposes to impose a public service obligation, the Secretary of State must in writing communicate the details of the envisaged public service obligation to—

- (a) the airports concerned,
 - (b) the Government of Gibraltar, if such an airport is located there, and
 - (c) any qualifying air carriers operating the route in question.
-]⁸

[The Secretary of State must publish an information notice in the London, Edinburgh and Belfast Gazettes:]⁹

- (a) identifying the two airports connected by the route concerned and possible intermediate stop-over point(s);
 - (b) mentioning the date of entry into force of the public service obligation; and
 - (c) indicating the complete address where the text and any relevant information and/or documentation related to the public service obligation shall be made available without delay and free of charge by the [Secretary of State]¹⁰ .
- [...]¹¹⁶.

The date of entry into force of a public service obligation shall not be earlier than the date of publication of the information notice referred to in the second subparagraph of paragraph 4.

7.

When a public service obligation has been imposed in accordance with paragraphs 1 and 2 the [qualifying air carrier]¹² shall be able to offer seat-only sales provided that the air service in question meets all the requirements of the public service obligation. Consequently that air service shall be considered as a scheduled air service.

8.

When a public service obligation has been imposed in accordance with paragraphs 1 and 2, any other [qualifying air carrier]¹² shall at any time be allowed to commence scheduled air services meeting all the requirements of the public service obligation, including the period of operation that may be required in accordance with paragraph 2.

9.

Notwithstanding paragraph 8, if no [qualifying air carrier]¹³ has commenced or can demonstrate that it is about to commence sustainable scheduled air services on a route in accordance with the public service obligation which has been imposed on that route, the [Secretary of State]¹⁴ may limit access to the scheduled air services on that route to only one [qualifying air carrier]¹³ for a period of up to four years, after which the situation shall be reviewed.
[...]¹⁵10.

The right to operate the services referred to in paragraph 9 shall be offered by public tender in accordance with Article 17, either singly or, in cases where justified for reasons of operational efficiency, for a group of such routes to any [qualifying air carrier]¹⁶ entitled to operate such air services. For reasons of administrative efficiency, [a single invitation to tender covering different routes may be issued]¹⁷ .
11.

A public service obligation shall be deemed to have expired if no scheduled air service has been operated during a period of 12 months on the route subject to such obligation.
12.

In case of sudden interruption of service by the [qualifying air carrier]¹⁸ selected in accordance with Article 17, the [Secretary of State]¹⁹ may, in case of emergency, select by mutual agreement a different [qualifying air carrier]¹⁸ to operate the public service obligation for a period up to seven months, not renewable, under the following conditions:

- (a) any compensation paid [...] ²⁰ shall be made in compliance with Article 17(8);
 - (b) the selection shall be made among [qualifying air carriers]²¹ in compliance with the principles of transparency and non-discrimination;
 - (c) a new call for tender shall be launched.
- [...] ²²

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words inserted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(2)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 6 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(4)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 7 Words inserted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(4)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 9 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(5)(b)(i) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 10 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(5)(b)(ii) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 11 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 12 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(7) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 13 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(8)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 14 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(8)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 15 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(8)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 16 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(9)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 17 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(9)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 18 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(10)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 19 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(10)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 20 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(10)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 21 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(10)(d) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 22 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.17(11) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 16 art. para1- United Kingdom
art. para12(c)

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 17 Public tender procedure for public service obligation



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 17 Public tender procedure for public service obligation

1.

The public tender required in Article 16(10) shall be conducted according to the procedure set out in paragraphs 2 to 10 of this Article.

[...]³.

The invitation to tender and the subsequent contract shall cover, inter alia, the following points:

- (a) the standards required by the public service obligation;
- (b) rules concerning amendment and termination of the contract, in particular to take account of unforeseeable changes;
- (c) the period of validity of the contract;
- (d) penalties in the event of failure to comply with the contract;
- (e) objective and transparent parameters on the basis of which compensation, if any, for the discharging of the public service obligations shall be calculated.

4.

[The Secretary of State must ensure that an invitation to tender is made known through the publication of an information notice in the London, Edinburgh and Belfast Gazettes.]² The deadline for submission of tenders shall not be earlier than two months after the day of publication of such an information notice. [...]³

5.

The information notice shall provide the following information:

[...]⁴

- (b) air route concerned;
- (c) period of validity of the contract;

(d) complete address where the text of the invitation to tender and any relevant information and/or documentation related to the public tender and the public service obligation shall be made available [...] ⁵ ;

(e) deadline for submission of tenders.

6.

[The Secretary of State] ⁶ shall communicate without delay and free of charge any relevant information and documents requested by a party interested in the public tender.

7.

The selection among the submissions shall be made as soon as possible taking into consideration the adequacy of the service, including the prices and conditions which can be quoted to users, and the cost of the compensation required [...] ⁷ , if any.

8.

[An air carrier which has been selected under paragraph 7 may be compensated] ⁸ for adhering to the standards required by a public service obligation imposed under Article 16. Such compensation may not exceed the amount required to cover the net costs incurred in discharging each public service obligation, taking account of revenue relating thereto kept by the air carrier and a reasonable profit. [...] ⁹ [...] ⁹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 2 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 3 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 4 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(4)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 5 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(4)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 6 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(5) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 7 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 8 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(7) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 9 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.18(8) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 17 art. para1- United Kingdom
art. para10

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 18 Examination of public service obligations



Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 18 art. para1- United Kingdom
art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 19 Traffic distribution between airports and exercise of traffic rights



Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 19 art. para1- United Kingdom
art. para5

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 20 Environmental measures



Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 20 art. para1- United Kingdom
art. para3

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 21 Emergency measures



Repealed

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. III art. 21 art. para1- United Kingdom
art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 21a Emergency measures linked to the COVID-19 pandemic



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 21a Emergency measures linked to the COVID-19 pandemic

1.

Notwithstanding Article 21, for the period from 1 March 2020 until 31 December 2020, Member States may, without the agreement of the Commission referred to in Article 21(1), refuse, limit or impose conditions on the exercise of traffic rights if this action is necessary in order to address the COVID-19 pandemic. Such action shall respect the principles of proportionality and transparency and shall be based on objective and non-discriminatory criteria.

2.

The Member State concerned shall inform the Commission and the other Member States without delay of such action as referred to in paragraph 1 and its duration, and shall provide them with adequate reasons justifying the need for that action. If the Member State modifies, suspends or withdraws such action after this Regulation has entered into force, it shall inform the Commission and the other Member States accordingly.

3.

The Commission may, at the request of any other Member State or States involved, or on its own initiative, suspend the action referred to in paragraph 2 if it does not meet the requirements referred to in paragraph 1 or is otherwise contrary to the Union law.

4.

Where the Commission finds, on the basis of the best scientific knowledge, evidence and data, such as data from the European Centre for Disease Prevention and Control, confirming the persistence of the COVID-19 pandemic, that refusals, limitations or impositions of conditions on the exercise of traffic rights by Member States are likely to be necessary beyond the period referred to in paragraph 1 of this

Article, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending that period accordingly.

5.

The Commission shall continuously monitor the situation using the criteria referred to in paragraph 4. Based on the information available, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where necessary, the Commission shall adopt the delegated act referred to in paragraph 4 as soon as possible.

6.

Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.

Extent

c. III art. 21a United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 22 Pricing freedom



Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. IV art. 22 art. para1- United Kingdom
art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 23 Information and non-discrimination



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 23 Information and non-discrimination

1.

Air fares and air rates available to the general public shall include the applicable conditions when offered or published in any form, including on the Internet, for air services from an airport located in the [United Kingdom]¹. The final price to be paid shall at all times be indicated and shall include the applicable air fare or air rate as well as all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable at the time of publication. In addition to the indication of the final price, at least the following shall be specified:

- (a) air fare or air rate;
- (b) taxes;
- (c) airport charges; and
- (d) other charges, surcharges or fees, such as those related to security or fuel;

where the items listed under (b), (c) and (d) have been added to the air fare or air rate. Optional price supplements shall be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the customer shall be on an 'opt-in' basis.

[...]²

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.20(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Notes

- 2 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.20(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

c. IV art. 23 art. para1- United Kingdom

art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 24 Penalties



Repealed

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21 (December 31, 2020: commenced by an amendment)

Extent

c. IV art. 24 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 24a



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 24a

1.

By way of derogation from [regulation 12(9) of the Airports (Groundhandling) Regulations 1997²]¹, contracts of or authorisations granted to suppliers of groundhandling services selected on the basis of the procedure laid down in [regulation 12 of those Regulations]³ that expire in the period from 28 May 2020 until 31 December 2021 may be prolonged until 31 December 2022.

2.

By way of derogation from [regulation 12(10) of the Airports (Groundhandling) Regulations 1997]⁴, for the period from 1 March 2020 to 31 December 2021, where a supplier of groundhandling services ceases its activity before the end of the period for which it was selected, the managing body of the airport or the [Civil Aviation Authority]⁵, may choose a groundhandling service provider directly to provide the services for a maximum period of six months or for a period until 31 December 2021, whichever is the longer.

[...]⁶

Notes

- 1 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21A(2)(a) (December 31, 2020: commenced by an amendment)
- 2 S.I. 1997/2389, to which there are amendments not relevant to these Regulations.
- 3 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21A(2)(b) (December 31, 2020: commenced by an amendment)

Notes

- 4 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21A(3)(a) (December 31, 2020: commenced by an amendment)
- 5 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21A(3)(b) (December 31, 2020: commenced by an amendment)
- 6 Words substituted by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.21A(4) (December 31, 2020: commenced by an amendment)

Extent

c. IVA art. 24a art. para1- (extent not available)
art. para5

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 25 Committee



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 25 Committee

1.

The Commission shall be assisted by a committee.

2.

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Extent

c. V art. 25 art. para1- United Kingdom

art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 26 Cooperation and right to obtain information



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 26 Cooperation and right to obtain information

1.

Member States and the Commission shall cooperate in applying and in monitoring the application of this Regulation.

2.

In order to carry out its duties under this Regulation the Commission may obtain all necessary information from Member States, which shall also facilitate the provision of information by air carriers licensed by their competent licensing authorities.

3.

Member States shall, according to their national legislation, take the necessary measures to ensure appropriate confidentiality of the information received by them pursuant to this Regulation.

Extent

c. V art. 26 art. para1- United Kingdom

art. para3

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 27 Repeal



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 27 Repeal

Regulations (EEC) No 2407/92, (EEC) No 2408/92 and (EEC) No 2409/92 shall be repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Extent

c. V art. 27 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 28 Entry into force



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 28 Entry into force

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union* .

Extent

c. V art. 28 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 25a Exercise of the delegation



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 25a Exercise of the delegation

1.

The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2.

The power to adopt delegated acts referred to in Articles 9(1b), 21a(4) and 24a(3) shall be conferred on the Commission for a period of one year from 28 May 2020.

3.

The delegation of power referred to in Articles 9(1b), 21a(4) and 24a(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4.

Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5.

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6.

A delegated act adopted pursuant to Articles 9(1b), 21a(4) and 24a(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Extent

c. V art. 25a art. para1- (extent not available)

art. para6

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

art. 25b Urgency procedure



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 25b Urgency procedure

1.

Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2.

Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 25a. In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

Extent

c. V art. 25b art. para1- (extent not available)

art. para2

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

Signatures



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

[...]¹

Done at Strasbourg, 24 September 2008.

For the European Parliament

The President

H.-G. Pöttering

For the Council

The President

J.-P. Jouyet

Notes

- 1 Words repealed by Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018/1392 Sch.2 para.22 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

Signatures

United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 1



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.

Information to be provided by a first-time applicant from a financial fitness point of view

Extent

Ann. I para. 1 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 11



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.1.

The most recent internal management accounts and, if available, audited accounts for the previous financial year.

Extent

Ann. I para. 11 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 12



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.2.

A projected balance sheet, including profit-and-loss account, for the following three years.

Extent

Ann. I para. 12 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 13



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.3.

The basis for projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, air navigation charges, ground handling costs, insurance, etc. Traffic/revenue forecasts.

Extent

Ann. I para. 13 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 14



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.4.

Details of the start-up costs incurred in the period from submission of an application to the commencement of operations and an explanation of how it is proposed to finance these costs.

Extent

Ann. I para. 14 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 15



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.5.

Details of existing and projected sources of finance.

Extent

Ann. I para. 15 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 16



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.6.

Details of shareholders, including nationality and type of shares to be held, and the Articles of Association. If part of a group of undertakings, information on the relationship between them.

Extent

Ann. I para. 16 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 17



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.7.

Projected cash-flow statements and liquidity plans for the first three years of operation.

Extent

Ann. I para. 17 United Kingdom

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 18



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

1.8.

Details of the financing of aircraft purchase/leasing including, in the case of leasing, the terms and conditions of contract.

Extent

Ann. I para. 18 United Kingdom

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para. 2



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.

Information to be provided for assessment of the continuing financial fitness of existing licence holders planning a change in their structures or in their activities with a significant bearing on their finances

Extent

Ann. I para. 2 United Kingdom

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para. 21



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.1.

If necessary, the most recent internal management balance sheet and audited accounts for the previous financial year.

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Ann. I para. 21 United Kingdom

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para. 22



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.2.

Precise details of all proposed changes e.g. change of type of service, proposed takeover or merger, modifications in share capital, changes in shareholders, etc.

Extent

Ann. I para. 22 United Kingdom

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para. 23



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.3.

A projected balance sheet, with a profit-and-loss account, for the current financial year, including all proposed changes in structure or activities with a significant bearing on finances.

Extent

Ann. I para. 23 United Kingdom

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para. 24



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.4.

Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, air navigation charges, ground handling costs, insurance, etc. Traffic/revenue forecasts.

Extent

Ann. I para. 24 United Kingdom

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para. 25



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.5.

Cash-flow statements and liquidity plans for the following year, including all proposed changes in structure or activities with a significant bearing on finances.

Extent

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para. 26



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

2.6.

Details of the financing of aircraft purchase/leasing including, in the case of leasing, the terms and conditions of contract.

Extent

Ann. I para. 26 United Kingdom

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para. 3



Law In Force

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Date not available - Present

Subjects

Aviation

3.

Information to be provided for assessment of the continuing financial fitness of existing licence holders

Extent

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 31



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

3.1.

Audited accounts no later than six months following the last day of the relevant financial year, unless otherwise provided for in national law and, if necessary, the most recent internal management balance sheet.

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 32



Law In Force

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Date not available - Present

Subjects

Aviation

3.2.

A projected balance sheet, including profit-and-loss account, for the forthcoming year.

Extent

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Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom (Recast)(Text with EEA relevance) (Retained EU Legislation)

para. 33



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Version 1 of 1

Date not available - Present

Subjects

Aviation

3.3.

Past and projected expenditure and income figures on such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, air navigation charges, ground handling costs, insurance, etc. Traffic/revenue forecasts.

Extent

Ann. I para. 33 United Kingdom

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para. 34



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Date not available - Present

Subjects

Aviation

3.4.

Cash-flow statements and liquidity plans for the following year.

Extent

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para. 1



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Version 1 of 1

Date not available - Present

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Article 3(3)	the first subparagraph of Article 3(1)
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—	Article 17(6)
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