

Flights to and from the UK if there's no Brexit deal

Summary

How air passengers and aviation businesses would be affected if the UK leaves the EU in March 2019 with no deal.

Detail

If the UK leaves the EU in March 2019 without a deal, find out how this would affect air travel including:

- flights to, from and within the EU
- flights to and from the rest of the world
- air traffic management
- operating and route licences
- passenger rights
- slot allocation

This guidance is part of a series on aviation, which includes guidance about:

- aviation security if there's no Brexit deal [\[link\]](#)
- aviation safety if there's no Brexit deal [\[link\]](#)

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

The purpose of this notice is to inform air passengers, the aviation industry and the public of the actions we are taking to prepare for the unlikely scenario that the UK leaves the EU in March 2019 with no deal. Preparing for EU exit is not just a matter for the government, so this notice also suggests actions that the industry and its customers should consider.

Before 29 March 2019

Air services between the UK and other countries are currently governed by a variety of UK and EU legislation, as well as international agreements such as the 1944 Chicago Convention.

Air services between two countries are based on a permission to operate granted by the respective national authorities. These can be issued on a case by case basis for individual flights, but for most scheduled flights the basis for issuing such permissions is set out in a bilateral or multilateral air service agreement (ASA) between states. These agreements provide airlines with the conditions under which they will be permitted to operate scheduled international air services.

Flights to, from and within the EU

As an EU country, the UK is part of the internal market for air services. This means that any airline licensed by an EU country, and therefore adhering to common regulations, is entitled to operate any route within the EU without the advance permission of individual national authorities. These entitlements also extend to Iceland, Liechtenstein and Norway through their membership of the European Economic Area (EEA).

The rights for airlines to operate air services over EU or UK territory are established by a longstanding worldwide treaty, the International Air Services Transit Agreement, to which the UK and almost all EU countries are signatories. This agreement also establishes the right to land for 'non-traffic' purposes such as refuelling or maintenance.

Flights to and from the rest of the world

The UK has independently negotiated 111 bilateral ASAs with countries all over world, including China, India and Brazil. There are a further 17 non-EU countries with which air services to the UK are provided for by virtue of our EU membership. These are Albania, Bosnia Herzegovina, Canada, Georgia, Iceland, Israel, Jordan, Kosovo, Liechtenstein, Macedonia, Moldova, Montenegro, Morocco, Norway, Serbia, Switzerland and the United States.

After March 2019 if there's no deal

If the UK leaves the EU in March 2019 with no agreement in place, UK and EU licensed airlines would lose the automatic right to operate air services between the UK and the EU without seeking advance permission. This would mean that airlines operating between the UK and the EU would need to seek individual permissions to operate. EU-licensed airlines would lose the ability to operate wholly within the UK (e.g. from Heathrow to Edinburgh), and UK-licensed airlines would lose the ability to operate intra-EU air services (e.g. from Milan to Paris).

Flights to and from the EU

If there is 'no deal' with the EU, airlines wishing to operate flights between the UK and the EU would have to seek individual permissions to operate from the respective states (be that the UK or an EU country). In this scenario the UK would envisage granting permission to EU airlines to continue to operate. We would expect EU countries to reciprocate in turn. It would not be in the interest of any EU country or the UK to restrict the choice of destinations that could be served, though if such permissions are not granted, there could be disruption to some flights.

In order to ensure permissions were granted and flights continued, the UK's preference would be to agree a basic arrangement or understanding on a multilateral basis between the UK and the EU. Alternatively, bilateral arrangements between the UK and an individual EU country could be put in place, specifying the conditions under which air services would be permitted. By definition any such agreement would be reciprocal in nature. [The European Commission has previously acknowledged](<https://ec.europa.eu/commission/sites/beta-political/files/aviation.pdf>)

that a 'bare bones' agreement on air services would be desirable in the event of the UK leaving the with 'no deal'.

In the scenario where a provisional deal is agreed for air services, airlines will continue to be required to apply for the following associated permissions.

Associated permissions for EU airlines

EU-licensed airlines would need two associated permissions in order to operate to the UK:

First, they would require a foreign carrier permit. There is a long established procedure for applying for such permits, and carriers can find out more about applying on the [UK Civil Aviation Authority website](<https://www.caa.co.uk/Commercial-Industry/Airlines/Licensing/Foreign-carrier-permits/About-foreign-carrier-permits>). This guidance will be updated shortly for operators of EU or EEA registered aircraft.

Second, they would require a UK safety authorisation from the UK Civil Aviation Authority, a "UK Part-TCO (Third Country Operator)". The CAA will consider each application for UK Part-TCO on a case by case basis, but in principle, an airline that holds a valid European Aviation Safety Agency (EASA) Air Operator Certificate will be considered as having met the qualifying requirements to hold such an approval. The UK would expect this recognition of equivalent safety standards to be reciprocated by the EU in its 'Part-TCO' authorisations.

Associated permissions for UK airlines

UK-licensed airlines would need two associated permissions in order to operate to the EU.

First, UK airlines will require permission from the national authorities of the states to which they operate (often referred to as a foreign carrier permit). Processes may vary in different EU countries, so airlines should start consulting the national aviation authorities within the relevant EU countries for details of how they grant foreign airlines permission to operate.

Second, airlines from outside the EU require a safety authorisation from the EASA, known as "Part-TCO". EASA has yet to provide the details for how and when it would process applications from UK airlines in advance of the UK leaving the EU. However, the UK would expect the recognition of equivalent safety standards to be on a reciprocal basis.

Flights to and from the rest of the world

For airlines licensed outside the UK and the EU, their eligibility to operate air services to the UK is determined by the ASA between the UK and the state in which they are licensed. For airlines from one of the 111 countries with whom the UK has a bilateral ASA, including China, India and Brazil, there will be no change.

For airlines from one of the 17 non-EU countries with whom air services to the UK are currently provided for by virtue of the UK's membership of the EU, replacement arrangements will be in place before exit day. The UK is working closely with these countries to agree replacement, bilateral arrangements designed to come into force as soon as the EU-negotiated agreements cease to apply to the UK. The UK has already agreed a number of these agreements, and is confident the remaining agreements will be agreed well in advance of the UK leaving the EU.

Foreign airlines will still need to apply to the UK CAA for a Foreign Carrier Permit in the usual way and, in the short term, existing Part-TCO safety authorisations from EASA would be treated as if they had been issued by the UK CAA. [INSERT LINK TO AVIATION SAFETY TECHNICAL NOTICE]

Operating and route licences

An operating licence is required before an airline can undertake commercial services. It provides the means through which the CAA can ensure that airlines principally based in the UK are properly managed, and comply with key requirements regarding ownership and control, safety, finance and insurance.

In order to operate internationally, all UK airlines would be required to hold a route licence from the CAA in accordance with long established domestic legislation. Route licences already issued to UK airlines will remain after the UK has left the EU. A route licence requires the airline to provide passengers with information about the operator, the type of aircraft and the destination airport. The CAA publishes the [details of the licences held by UK airlines](<https://www.caa.co.uk/Commercial-industry/Airlines/Licensing/Licence-types/Airline-licence-holders/>).

States have traditionally used both their licensing regime and the provisions of their ASAs to restrict foreign ownership of airlines to ensure that the prime beneficiaries of an ASA are nationals of the parties to that ASA. EU airlines must be majority owned and effectively controlled by EU nationals to qualify for an operating licence.

EU-licensed airlines would need to consider how to continue to meet that requirement if, for example, they had significant investment from or ownership by UK nationals. EU airlines which have received significant investment from UK nationals should check the implications for the validity of their operating licence with the relevant national authorities.

UK operating licences issued before exit would remain in place and valid as a result of the EU Withdrawal Act. Following EU exit, the UK would not impose nationality restrictions on the conditions for an operating licence. However, UK airlines would also need to consider whether the nationality and level of investment of their shareholders is permitted under the conditions of the ASAs under which they operate their services.

This would include any arrangement concluded between the UK and the EU, or its Member States.

Slot allocation

The current rules for the allocation of slots at UK airports would remain unchanged in the event of no deal. The EU regulation for slot allocation would be retained by the EU Withdrawal Act, which requires slots to be allocated to airlines in a transparent and non-discriminatory way.

The process for allocation of slots at EU airports will remain the same.

Air traffic management

There would be no disruption to the UK's provision of air navigation services as a result of leaving the EU without a deal. EU countries, and the UK, in common with all other states, have international obligations to provide air navigation services in accordance with standards and recommended practices set by ICAO under the Chicago Convention. As previously stated, the rights for airlines to operate air services over EU or UK territory are established by a longstanding worldwide treaty, the International Air Services Transit Agreement, which the UK and almost all EU countries are signatories to.

The UK would also remain a full member of EUROCONTROL and a contributor to EUROCONTROL's functions and services. EUROCONTROL is an intergovernmental organisation of 41 countries designed to foster close co-operation in air traffic management across the wider European continent, and the UK's participation in EUROCONTROL is independent of our EU membership.

The UK's air navigation service provider (NATS) will continue to provide services to aircraft operating in the airspace in which NATS is licensed to operate. NATS will continue to work collaboratively with neighbouring air navigation service providers to ensure the service is safe and efficient, principally through the UK's EUROCONTROL membership. The UK would continue to have a system of economic and performance regulation for NATS, but this would be delivered under the Transport Act 2000, rather than the EU Single European Sky (SES) Performance and Charging Scheme.

The UK would no longer be able to directly participate in the EU's SES initiative, which was designed to increase the efficiency of air navigation services across the EU. The UK would continue to work through EUROCONTROL to ensure the safe and efficient management of airspace across its 41 members. The UK will continue to lead the way in providing safe and efficient air traffic control services. In addition, the Withdrawal Act would preserve existing EU safety, airspace, and interoperability regulations in domestic law.

Passenger rights

For air passengers on a flight departing the UK, the same passenger rights as apply today would continue to apply after the UK left the EU. EU passenger rights legislation will be retained in domestic law by the Withdrawal Act.

- [Passengers subject to denied boarding, delay or cancellation, would be entitled to assistance and compensation](<https://www.caa.co.uk/Passengers/Resolving-Travel-Problems/Denied-boarding-delay-or-cancellation/>) on the same basis as today
- [Passengers with reduced mobility would still be entitled to the same assistance from airports and airlines](<https://www.caa.co.uk/passengers/prm/passengers-with-disabilities-and-reduced-mobility/>)
- [UK consumer protection in the event of insolvency of a travel provider](<https://www.caa.co.uk/atol-protection/>) would continue to apply

Passengers should examine and ensure that they understand the terms and conditions of their booking. As always, passengers are advised to check the [FCO travel advice](<https://www.gov.uk/foreign-travel-advice>) before travelling and ensure that they have appropriate [travel insurance](<https://www.caa.co.uk/Passengers/Before-you-fly/Making-a-booking/Insurance/>). Passengers are responsible for ensuring that their insurance and ticket terms

and conditions are sufficient to cover possible disruption; and should not expect government assistance in this situation.

More information

We'll provide more information in the coming months, with the aim of giving aviation businesses and passengers as much certainty as possible ahead of the UK's exit from the EU.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.