

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)

CHAPTER II

OPERATING LICENCE

*Article 13*

**Leasing**

1 Without prejudice to Article 4(c), a Community air carrier may have one or more aircraft at its disposal through dry or wet lease agreement. Community air carriers may freely operate wet-leased aircraft registered within the Community except where this would lead to endangering safety. The Commission shall ensure that the implementation of such a provision is reasonable and proportionate and based on safety considerations.

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

3 A Community air carrier wet leasing aircraft registered in a third country 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 Community air carrier demonstrates to the satisfaction of the competent authority that all safety standards equivalent to those imposed by Community or national law are met; and
- b [<sup>F1</sup>unless otherwise provided for in an international agreement on wet-leasing signed by the Union which is based on an Air Transport Agreement to which the Union is a party and which was signed before 1 January 2008, one of the following conditions is fulfilled:]
  - (i) the Community air carrier 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 Community air carrier demonstrates that the leasing is necessary to satisfy seasonal capacity needs, which cannot reasonably be satisfied through leasing aircraft registered within the Community, in which case the approval may be renewed; or
  - (iii) the Community air carrier demonstrates that the leasing is necessary to overcome operational difficulties and it is not possible or reasonable to lease aircraft registered within the Community, in which case the approval shall be of limited duration strictly necessary for overcoming the difficulties.

4 The competent authority may attach conditions to the approval. Such conditions shall form part of the wet lease agreement.

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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The competent authority may refuse to grant an approval if there is no reciprocity as regards wet leasing between the Member State concerned or the Community and the third country where the wet-leased aircraft is registered.

The competent authority shall inform the Member States concerned about an approval it has granted for wet leasing aircraft registered in a third country.

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/2 of the European Parliament and of the Council of 11 December 2018 amending Regulation \(EC\) No 1008/2008 on common rules for the operation of air services in the Community](#).

### Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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### Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2018/1392 reg. 7](#)
- Regulation title amended by [S.I. 2018/1392 Sch. 2 para. 2](#)
- Art. 13(1) words inserted by [S.I. 2018/1392 Sch. 2 para. 14\(2\)\(c\)](#)
- Art. 13(1) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(2\)\(d\)](#)
- Art. 13(1) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(2\)\(a\)](#)
- Art. 13(1) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(2\)\(b\)](#)
- Art. 13(2) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(3\)\(b\)](#)
- Art. 13(2) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(3\)\(a\)](#)
- Art. 13(3) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(a\)\(i\)](#)
- Art. 13(3) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(a\)\(ii\)](#)
- Art. 13(4) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(5\)\(c\)](#)
- Art. 13(4) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(5\)\(a\)](#)
- Art. 13(4) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(5\)\(b\)](#)

### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2018/1392 Sch. 2 para. 22](#)
- Art. 2(2) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(2\)](#)
- Art. 2(7) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(3\)](#)
- Art. 2(8) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(4\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(a\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(b\)](#)
- Art. 2(11A) inserted by [S.I. 2018/1392 Sch. 2 para. 4\(6\)](#)
- Art. 2(13)(14) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(7\)](#)
- Art. 2(18)(19) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(8\)](#)
- Art. 2(20)-(22) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(9\)](#)
- Art. 2(26) substituted by [S.I. 2018/1392 Sch. 2 para. 4\(10\)](#)
- Art. 4(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(b\)](#)
- Art. 4(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(c\)](#)
- Art. 4(f) omitted by [S.I. 2018/1392 Sch. 2 para. 6\(d\)](#)
- Art. 13(3)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(ii\)](#)
- Art. 13(3)(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(i\)](#)
- Art. 13(3)(b) words inserted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(ii\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(i\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392, Sch. 2 para. 14\(4\)\(c\)\(zi\)](#) (as inserted) by [S.I. 2019/687 reg. 5\(4\)](#)
- Art. 16(3)(a) words inserted by [S.I. 2018/1392 Sch. 2 para. 17\(4\)\(b\)](#)
- Art. 16(4)(c) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(5\)\(b\)\(ii\)](#)
- Art. 16(12)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(c\)](#)
- Art. 16(12)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(d\)](#)
- Art. 17(5)(a) omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(a\)](#)
- Art. 17(5)(d) words omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(b\)](#)