

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 III

ACCESS TO ROUTES

Article 15

Provision of intra-Community air services

1 Community air carriers shall be entitled to operate intra-Community air services.

2 Member States shall not subject the operation of intra-Community air services by a Community air carrier to any permit or authorisation. Member States shall not require Community air carriers to provide any documents or information which they have already supplied to the competent licensing authority, provided that the relevant information may be obtained from the competent licensing authority in due time.

3 If the Commission, on the basis of information obtained under Article 26(2), finds that the operating licence granted to a Community air carrier is not in compliance with the requirements of this Regulation it shall forward its findings to the competent licensing authority which shall send its comments to the Commission within 15 working days.

If the Commission, after examining the comments of the competent licensing authority, maintains that the operating licence is not compliant, or no comments have been received from the competent licensing authority it shall, in accordance with the procedure referred to in Article 25(2), take a decision to request the competent licensing authority to take the appropriate corrective measures or to suspend or revoke the operating licence.

The decision shall set a date by which the corrective measures or actions by the competent licensing authority shall be implemented. If the corrective measures or actions have not been implemented by that date the Community air carrier shall not be entitled to exercise its rights under paragraph 1.

The Community air carrier may resume exercising its rights under paragraph 1 upon notification to the Commission by the competent licensing authority that the corrective measures have been implemented and that the competent licensing authority has verified the implementation.

4 When operating intra-Community air services, a Community air carrier shall be permitted to combine air services and to enter into code share arrangements, without prejudice to the Community competition rules applicable to undertakings.

Any restrictions on the freedom of Community air carriers to operate intra-Community air services arising from bilateral agreements between Member States are hereby superseded.

5 Notwithstanding the provisions of bilateral agreements between Member States, and subject to the Community competition rules applicable to undertakings, Community air carriers

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](#)

shall be permitted by the Member State(s) concerned to combine air services and to enter into code share arrangements with any air carrier on air services to, from or via any airport in their territory from or to any point(s) in third countries.

A Member State may, in the framework of the bilateral air service agreement with the third country concerned, impose restrictions on code share arrangements between Community air carriers and air carriers of a third country, in particular if the third country concerned does not allow similar commercial opportunities to Community air carriers operating from the Member State concerned. In doing so, Member States shall ensure that restrictions imposed under such agreements do not restrict competition and are non-discriminatory between Community air carriers and that they are not more restrictive than necessary.

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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. 15 omitted by [S.I. 2018/1392 Sch. 2 para. 16](#)

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\(4\)\(b\)](#)