



Department
for Exiting the
European Union

**Freedom of Information
Team**

Correspondence Unit
9 Downing Street
SW1A 2AG

foi@dexeu.gov.uk
www.gov.uk

Alexander Tiffin
Via: request-524985-3aa92b36@whatdotheyknow.com

Our ref: DEX001479

06 November 2018

Dear Alexander Tiffin,

I refer to your request, where you asked:

1) Should the UK and EU fail to reach an agreement by leaving day in March 2019, will UK aircraft be able to fly to and land in EU and EEA destinations? This includes Norway and Switzerland to avoid any doubt.

If not what is your contingency plan?

2) The Irish Prime Minister has also said that he would not allow UK aircraft to overfly Eire in a no deal scenario.

Do you believe this is legally enforceable?

I have dealt with your request under the Freedom of Information Act 2000 ('the Act').

The Department for Exiting the European Union (DExEU) holds some information relevant to your request.

I consider that the information relevant to part 1 of your request is exempt under section 21 of the Act.

Section 21 exempts information if this information is reasonably accessible to the applicant by other means. Section 21 is an absolute exemption and DExEU is not required to consider whether the public interest favours

disclosure of this information.

The government has published a series of technical notices, with guidance, to help citizens and business prepare in the event of a 'No Deal' scenario. Guidance relevant to your request and entitled 'Flights to and from the UK if there's no Brexit deal' was published on 24 September 2018. A copy of this guidance is available here:

<https://www.gov.uk/government/publications/flights-to-and-from-the-uk-if-theres-no-brexit-deal>

You may wish to contact the FOI team at the Department for Transport on foi-advice-team-dft@dft.gov.uk.

In response to part 2 of your request, the Act covers any recorded information that is held by a public authority. DExEU is not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded. As your request is asking for an opinion it falls outside the scope of the Act.

If you have any queries about this letter, please contact the FOI team. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to foi@dexeu.gov.uk or:

Freedom of Information Team (internal review)
Department for Exiting the European Union
9 Downing Street
SW1A 2AG

You should note that DExEU will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by DExEU. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Freedom of Information Team, DExEU.