



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2009/0042(COD) Procedure completed
Air transport: allocation of slots at Community airports	
Subject 3.20.01 Air transport and air freight	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		16/03/2009
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs	2947	08/06/2009
	Transport, Telecommunications and Energy	2935	30/03/2009
European Commission	Commission DG	Commissioner	
	Energy and Transport	TAJANI Antonio	

Key events			
24/03/2009	Committee referral announced in Parliament, 1st reading		
30/03/2009	Debate in Council	2935	Summary
22/04/2009	Vote in committee, 1st reading		Summary
24/04/2009	Committee report tabled for plenary, 1st reading	A6-0274/2009	
07/05/2009	Results of vote in Parliament		
07/05/2009	Debate in Parliament		
07/05/2009	Decision by Parliament, 1st reading	T6-0382/2009	Summary
08/06/2009	Act adopted by Council after Parliament's 1st reading		
18/06/2009	Final act signed		
18/06/2009	End of procedure in Parliament		
29/06/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0042(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/74278

Documentation gateway

Legislative proposal	COM(2009)0121	10/03/2009	EC	Summary
Economic and Social Committee: opinion, report	CES0639/2009	24/03/2009	ESC	
Committee draft report	PE423.750	31/03/2009	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0274/2009	24/04/2009	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0382/2009	07/05/2009	EP	Summary
Draft final act	03653/2009/LEX	18/06/2009	CSL	
Commission response to text adopted in plenary	SP(2009)3616	07/07/2009	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2009/545](#)
[OJ L 167 29.06.2009, p. 0024](#) Summary

Air transport: allocation of slots at Community airports

PURPOSE: to allocate slots for air carriers for summer 2010 scheduling season and amend Regulation (EEC) No 95/93.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the global economic and financial crisis is now seriously affecting the activities of air carriers. It has led to a significant reduction in air traffic over the winter 2008/09 scheduling season. The summer 2009 scheduling season will also be affected by the economic crisis. After 6 years of 3% average growth and zero growth in 2008, Eurocontrol is forecasting a 4.9% fall. More than 80% of European airports have seen a reduction in traffic (8% to 10% in passenger traffic and 25% to 30% in cargo traffic in January 2009), which means that the economic crisis is hitting the whole of the European air transport sector. The Commission takes the view that the current economic crisis and subsequent readjustments to services (suspension, reduction of frequencies) constitute exceptional circumstances that are having a negative impact on airline companies. Consequently, coordinators should interpret the provisions of Regulation (EEC) No 95/93 on the allocation of slots in such a way that airline companies do not risk losing the slots they fail to use because of the economic crisis (?use-it-or-lose-it? rule). Unless a decision is adopted to maintain the ?grandfather status? of slots, airlines might keep existing capacity in the face of significantly reduced demand, which would aggravate the current economic difficulties.

IMPACT ASSESSMENT: no impact assessment.

CONTENT: the point of reference for the Regulation is the allocation and utilisation of slots during one season (?use-it-or-lose-it? principle) and in particular the situation at the end of the season after the slots have actually been used. In particular, that Article stipulates that air carriers will not be entitled to the same series of slots in the next equivalent scheduling season, unless they can prove to the satisfaction of the coordinator that they have operated them, as cleared by the coordinator, for at least 80% of the time during the season for which they were allocated.

Furthermore the Regulation provides for calculation of usage at the end of the season, once slots have been operated, for the purpose of acquiring rights for the next equivalent scheduling season.

Article 10(4) gives a list of non-exhaustive reasons that can validly be used by air carriers to justify the non-utilisation of slots allocated during a scheduling season. The Regulation is based on the principle that the allocation and monitoring of the use of slots are the responsibility of the

coordinator, who must not only carry out his duties in an independent manner but must also act in a neutral, non-discriminatory and transparent way. Therefore, neither the Commission nor any Member State may impose on coordinators any requirements that might undermine their independence.

Under these circumstances, there is a danger that Member States will interpret the Regulation differently, which would lead to a lack of consistency in the application of Article 10(4) within the Community. It is therefore proposed to insert a new Article 10c into the Regulation. This states that, for the purpose of Article 10(4), coordinators shall accept that air carriers are entitled to the same series of slots during the summer 2010 scheduling season as were allocated to them during the summer 2009 scheduling season in accordance with the Regulation. The Commission shall continue to analyse the impact of the economic crisis on the air transport sector. Should the situation continue to deteriorate during the winter 2009/10 season, it may decide to renew all or part of these arrangements for the winter 2010/11 season.

Although the allocation of slots for the summer 2009 scheduling season was completed on 31 January 2009, amendment of the Regulation will still permit airline companies to adjust their activities and reduce existing capacity in order to comply with the 'use-it-or-lose-it' rule. Since the summer 2009 season begins on 29 March, the proposed rule should enter into force as soon as possible. Otherwise, there is a major risk of legal challenges from air carriers allocated slots at airports where coordinators did not accept the justification of exceptional circumstances caused by the economic crisis during the summer 2009 scheduling season.

FINANCIAL IMPLICATIONS: there are no financial implications for the Community budget.

Air transport: allocation of slots at Community airports

The Commission presented the main lines of a proposal to amend Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

Air transport: allocation of slots at Community airports

The Committee on Transport and Tourism adopted the report drawn up by Paolo COSTA (ALDE, IT) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

MEPs are not prepared to accept a provision, which would allow the Commission to prolong the temporary measures by comitology to the following winter season. They suggest that the Commission may not decide but propose to renew all or part of these arrangements for the winter 2010/11 season, should the situation continue to deteriorate during the winter 2009/10 season. Such a proposal should be made only if it forms part of a proposal for a general revision of Regulation (EEC) No 95/93.

Air transport: allocation of slots at Community airports

The European Parliament adopted by 508 votes to 20, with 7 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

The amendments are the result of a compromise negotiated with the Council.

A new recital stresses that the Commission should continue to analyse the impact of the economic crisis on the air transport sector. Should the economic situation continue to deteriorate prior to the winter 2009/2010 scheduling period, the Commission could make a proposal to renew the arrangements contained in this Regulation for the winter 2010/2011 season.

Such a proposal should be preceded by a full impact assessment analysing its possible effects on competition and consumers and should be made only if it forms part of a proposal for a general revision of Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports in order to resolve present slot allocation inefficiencies and to ensure the optimal use of scarce capacity at congested airports.

Air transport: allocation of slots at Community airports

PURPOSE: to allocate slots for air carriers for summer 2010 scheduling season and amend Regulation (EEC) No 95/93.

LEGISLATIVE ACT: Regulation (EC) No 545/2009 of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

CONTENT: following a first reading agreement with the European Parliament, the Council adopted a regulation amending regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

To recall, the global economic and financial crisis is now seriously affecting the activities of air carriers. It has led to a significant reduction in air traffic over the winter 2008/2009 scheduling period. The summer 2009 scheduling period will also be affected by that economic crisis.

In order to ensure that the non-utilisation of slots allocated for the summer 2009 scheduling period does not cause air carriers to lose their entitlement to those slots, it is necessary to specify clearly and unambiguously that that scheduling period is affected by the economic crisis. This temporary measure will help airlines cut costs by allowing them to cut capacity more easily at busy airports, knowing that their slots will be safeguarded for the next summer season 2010.

Resulting in a compromise reached by the European Parliament and the Council, the Regulation stipulates that the Commission should

continue to analyse the impact of the economic crisis on the air transport sector. Should the economic situation continue to deteriorate prior to the winter 2009/2010 scheduling period, the Commission could make a proposal to renew the arrangements contained in this Regulation for the winter 2010/2011 scheduling period. Such a proposal should be preceded by a full impact assessment.

ENTRY INTO FORCE: 30 June 2009.