


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2020/0042(COD) Procedure completed
Allocation of slots at Community airports	
Subject 3.20.01 Air transport and air freight 3.20.01.01 Air safety	
Legislative priorities <a href="#">The EU's response to the Covid-19 pandemic</a>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> <a href="#">Transport and Tourism</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">PE-C</a>	27/03/2020
European Economic and Social Committee			
European Committee of the Regions			

Key events			
23/03/2020	Decision by committee, without report		
26/03/2020	Results of vote in Parliament		
26/03/2020	Committee referral announced in Parliament, 1st reading		
26/03/2020	Decision by Parliament, 1st reading	<a href="#">T9-0041/2020</a>	Summary
27/03/2020	Act adopted by Council after Parliament's 1st reading		
30/03/2020	Final act signed		
31/03/2020	End of procedure in Parliament		
31/03/2020	Final act published in Official Journal		

Technical information	
Procedure reference	2020/0042(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2; Rules of Procedure EP 163

Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/02697

Documentation gateway					
Legislative proposal		<a href="#">COM(2020)0111</a>	13/03/2020	EC	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2020)002214	20/03/2020	CSL	
Draft final act		<a href="#">00004/2020/LEX</a>	25/03/2020	CSL	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0041/2020</a>	26/03/2020	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2020)141</a>	29/04/2020	EC	
Follow-up document		<a href="#">COM(2020)0558</a>	14/09/2020	EC	

Final act	
<a href="#">Regulation 2020/459</a> <a href="#">OJ L 099 31.03.2020, p. 0001-0004</a>	Summary

## Allocation of slots at Community airports

**PURPOSE:** to allow airlines to adapt their capacity in view of the reduced demand caused by the coronavirus epidemic (COVID-19).

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

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

**BACKGROUND:** the current [Regulation \(EEC\) No 95/93](#) contains a use-it-or-lose-it rule, whereby air carriers must use at least 80% of their allocated slots within a given scheduling period (summer or winter) in order to keep precedence in respect of the same series of slots within the corresponding scheduling period of the next year (so-called grandfather rights).

Due to the reduced demand for passenger traffic caused by the coronavirus outbreak, air carriers have already started and will continue to cancel flights, which will result in slot usage for the winter 2019-2020 and summer 2020 scheduling periods below the 80 % threshold imposed by the Regulation.

According to Eurocontrol, the number of flights fell by 10% in the first two weeks of March 2020 compared to the same period in 2019. Given the decreasing demand caused by the crisis, most European air carriers are grounding aircraft.

European airports expect a loss of 67 million passengers in the first quarter of 2020. This phenomenon is seriously affecting air transport across the Union.

On the basis of the information currently available from Eurocontrol, from air carriers and from airports, it is reasonable to assume that the current situation, characterised by an exceptional fall in demand, will last at least for the months of March, April, May and June 2020.

In the absence of any measure neutralising, for the purposes of this calculation, the effects of the current circumstances, it is likely that air carriers will operate many flights with very low load factors in order to protect their grandfather rights, thus exacerbating financial losses and causing an adverse impact on the environment.

**CONTENT:** in order to allow airlines to adapt their capacity in light of the decline in demand caused by the epidemic, and to protect the financial health of airlines and the environment, the Commission proposes to amend Regulation (EEC) No 95/93 in order to protect the grandfather rights of air carriers for those slots that have not been used during the period when the aviation market has been most affected by the outbreak of the SARS CoV-2 (COVID-19).

The proposed period covers the four-month period between March 2020 and June 2020 for all flights.

The proposed amendment would come in form of a rule whereby coordinators shall consider slots allocated for the reference periods in question as having been operated. This rule would mitigate the effects of the current crisis and provide legal certainty to the air carriers for the relevant parts of the scheduling periods. Any slots freed by air carriers as a result could be reallocated by coordinators according to needs.

The Commission may extend the period during which the measures are applicable, if necessary by means of delegated acts. The Commission shall base such decisions on the most recent information available, published by Eurocontrol, and on relevant scientific advice.

Additionally, given that the severe impact of the outbreak of the SARS CoV-2 virus became apparent first in China and Hong Kong Special

Administrative Region, it is proposed to protect during a longer overall period the grandfathering rights for slots used for air services to and from those markets. The additional period starts on 23 January 2020, the date on which the first airport in the Peoples Republic of China was closed by the authorities.

## Allocation of slots at Community airports

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The European Parliament adopted by 686 votes to 0, with 2 abstentions, a legislative resolution on 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 European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure. As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act.

In view of the drop in the number of flights caused by the coronavirus epidemic, the Regulation provides for the temporary suspension of the rules governing the allocation of take-off and landing slots to airlines in order to avoid aircraft flying half-empty during the pandemic.

The principle of the mandatory use by airlines of their take-off and landing slots for fear of permanent loss (use-it-or-lose-it rule) shall thus be lifted for the period from 1 March 2020 to 24 October 2020. The derogation shall also apply retroactively from 23 January to 29 February 2020 for flights between the EU and China or Hong Kong.

The Commission may extend the period during which the measures apply, if necessary by means of delegated acts. It shall base these decisions on the most recent available information published by Eurocontrol and relevant scientific advice.

## Allocation of slots at Community airports

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**PURPOSE:** to temporarily suspend the rules on airport slots in order to help airlines adapt their capacity in view of the reduced demand caused by the coronavirus epidemic (COVID 19).

**LEGISLATIVE ACT:** Regulation (EU) 2020/459 of the European Parliament and of the Council amending [Council Regulation \(EEC\) No 95/93](#) on common rules for the allocation of slots at Community airports.

**CONTENT:** in view of the fall in the number of flights caused by the coronavirus epidemic, the Regulation amending Regulation (EEC) No 95/93 provides for the temporary suspension of the rules on airport slots which oblige airlines to use at least 80% of their take-off and landing slots in order to be able to retain them the following year (use-it-or-lose-it rule).

Air carriers have reported significant decline in bookings and cancellations of flights for the winter 2019/2020 and summer 2020 scheduling periods due to the spread of COVID-19.

The waiver is designed to help air carriers cope with the sharp drop in air traffic caused by the coronavirus crisis and to prevent aircraft from flying half-empty during the pandemic.

It shall apply from 1 March to 24 October 2020. In concrete terms, coordinators shall consider slots allocated for this period as having been operated by the air carrier to which they were originally allocated.

The exemption shall also apply retroactively from 23 January to 29 February 2020 for flights between the EU and China or Hong Kong. The starting date of application, 23 January 2020, corresponds to the date of closure of the first airport by the Chinese authorities.

The Commission shall continuously monitor the impact of COVID-19 on the air transport sector and the EU and report on the subject by 15 September 2020 at the latest. If the situation persists, the measures may be rapidly extended by a delegated act of the Commission.

**ENTRY INTO FORCE:** 1.4.2020.