

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2022/0214(COD)</p>	Procedure completed
<p>Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic</p>	
<p>Subject 3.20.01 Air transport and air freight</p>	
<p>Legislative priorities The EU's response to the Covid-19 pandemic</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Transport and Tourism	 RIQUET Dominique	31/08/2022
Council of the European Union	Commission DG	Commissioner	
European Commission	Mobility and Transport	VĂLEAN Adina-Ioana	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
12/07/2022	Legislative proposal published	COM(2022)0334	Summary
12/09/2022	Committee referral announced in Parliament, 1st reading		
26/09/2022	Decision by committee, without report		
06/10/2022	Results of vote in Parliament		
06/10/2022	Decision by Parliament, 1st reading	T9-0348/2022	Summary
17/10/2022	Act adopted by Council after Parliament's 1st reading		
19/10/2022	Final act signed		
25/10/2022	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0214(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	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/09597

Documentation gateway					
Legislative proposal		COM(2022)0334	12/07/2022	EC	Summary
Economic and Social Committee: opinion, report		CES3866/2022	22/09/2022	ESC	
Text adopted by Parliament, 1st reading/single reading		T9-0348/2022	06/10/2022	EP	Summary
Draft final act		00047/2022/LEX	19/10/2022	CSL	
Commission response to text adopted in plenary		SP(2022)623	07/12/2022	EC	

Final act
Regulation 2022/2038 OJ L 275 25.10.2022, p. 0014

Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic

PURPOSE: to grant temporary relief from the slot utilisation rules at Community airports to mitigate the effects of the Covid-19 crisis and Russias military aggression against Ukraine on air traffic.

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 and on an equal footing with the Council.

BACKGROUND: [Regulation \(EEC\) No 95/93](#) (the Slot Regulation) lays down rules on the allocation of slots at EU airports. It sets out the use-it-or-lose-it rule, according to which air carriers must use at least 80% of slots in an allocated slot series in a given scheduling period (summer or winter) to retain their entitlement to the same slot series in the next equivalent scheduling period (i.e. grandfather or historic rights).

Recent figures show that the air traffic has had strong recovery since the beginning of the summer 2022 scheduling season and the air traffic at the start of the winter 2022/2023 scheduling season is expected to be approximately 90% of 2019 levels under the base forecast. Those figures justify a return to the 80% slot use threshold as a general rule, complemented with specific slot use alleviation in cases of justified non-use of slots (JNUS).

Nevertheless, as experience has shown, the COVID-19 situation remains highly uncertain. New variants can appear and cause sudden reactions from States and consumers that can in turn negatively affect air traffic.

Moreover, Russias military aggression against Ukraine is also having an impact on air traffic and air carriers ability to operate their slots as Union air carriers are prevented from entering the airspace of Belarus, Russia and Ukraine.

To mitigate the potential negative consequences on air-traffic levels if these scenarios materialise, it is important that the legal framework for slot allocation is sufficiently resilient to enable proportionate, pro-competitive and speedy slot relief.

CONTENT: the overall aims of the Commission proposal is to: (i) set a different use threshold; (ii) impose conditions on slot relief; and (iii) change the slot-utilisation rate in response to changing traffic levels. The proposal strikes a balance between: (i) the need to grant airlines

relief from the use-it-or-lose-it rule in response to low demand for air travel resulting from the COVID-19 pandemic, other epidemiological situations, natural disasters, and political unrest such as Russias military aggression against Ukraine; and (ii) the need to return to a normal application of slot allocation rules in proportion to recovering air-traffic levels.

More specifically, the proposal states that:

- a return should be made to the standard slot use rate of 80% (from currently 64% for the summer 2022 scheduling season) reflecting demand but at the same time, to prolong the possibility to make use of the justified non-use of slots tool created during the pandemic;
- the role of the European Airport Coordinators Association in issuing guidance should be strengthened. Transparency in the application of justified non-use of slots exceptions is very important for airlines, thus coordinators should publish to which destinations the exceptions apply. If a majority of the EU population is affected by measures severely impeding air travel, all slot coordinators may grant JNUS exceptions to all slots;
- the period during which the new slot-relief rules apply is set from 29 October 2022 until 26 March 2024. These dates correspond to the start date of the 2022/2023 International Air Transport Association (IATA) winter season and the end date of the 2023/2024 IATA winter season, respectively;
- the Commission should adopt delegated acts within the period of further slot relief to amend the utilisation rate according to the development of traffic levels, if air traffic drops below 80% of corresponding levels in 2019 for four consecutive weeks due to any epidemiological situation or Russias military aggression against Ukraine. Given how rapidly the air-traffic situation may change, it should be possible to adopt these delegated acts by urgency procedure;
- the Commission should be empowered to adopt delegated acts within the period of further slot relief to amend the utilisation rate according to the development of traffic levels specifically for slots used on routes between the EU and Ukraine to encourage airlines to restore connectivity between the regions;
- during the period of slot relief, an air carrier not intending to use a slot must make it available for temporary reallocation to other air carriers no later than 3 weeks before the planned date of operation of the slot;
- the coordinator may to take action and withdraw slots of carriers on the EU safety list subject to sanctions or registered in states subject to sanctions.

Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic

The European Parliament adopted by 457 votes to 3, with 3 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic.

The Regulation aims at introducing specific rules and relieving the general slot usage rules for a limited period of time in order to mitigate the effects on air traffic of an epidemiological crisis and of the war of aggression waged by Russia against Ukraine. It sets the objective of a gradual return to the use-it-or-lose-it rules related to slot allocation at EU airports.

The European Parliament's first-reading position under the ordinary legislative procedure amends the Commission's proposal as follows:

Slot allocation process

During the period between 30 October 2022 and 28 October 2023, and subject to the availability of airport capacity, a series of slots that has been returned to the slot pool at the end of the scheduling period shall be allocated, upon request, for the next equivalent scheduling period to an air carrier that has operated at least five slots of the series in question during the reference scheduling period.

In addition, during the period from 30 October 2022 to 28 October 2023, the non-utilisation of a slot may also be justified by the introduction of restrictions by public authorities to deal with a major epidemiological situation, a major natural disaster or major political unrest at one end of a route for which the slot in question has been operated or should have been operated, provided that such restrictions have a significant impact on the possibility of, or demand for, travel.

Slot allocation in response to certain crisis situations

During the period between 30 October 2022 and 25 March 2023, if an air carrier demonstrates that it has operated the series of slots allocated to it for at least 75% of the time during the scheduling period for which it was allocated, the air carrier in question will be entitled to use the same series of slots in the next equivalent scheduling period.

The European Commission may also, by means of delegated acts, lower the minimum utilisation rate for any scheduling period between 30 October 2022 and 28 October 2023 if weekly air traffic falls below 80% (compared to 2019 figures) for two consecutive weeks due to COVID-19, another epidemiological situation or as a direct consequence of the Russian war in Ukraine. The percentage value applied will be proportionate to the level of air traffic forecasts by Eurocontrol.

In view of the preparation of schedules by air carriers ahead of the scheduling period, the Commission should endeavour to adopt those delegated acts before the start of the scheduling period, in order to allow air carriers to plan their flight schedules. The Commission may adopt such acts during the scheduling period in case of unforeseen circumstances.

In addition, the new rules provide for the possibility of restoring air connectivity between the EU and Ukraine in due course, with an additional 16-week recovery period before the slot usage requirements become applicable again after the reopening of Ukrainian airspace.

Transparency				
CUFFE Ciarán	Shadow	TRAN	27/09/2022	International Air Transport

	rapporteur			Association
RIQUET Dominique	Rapporteur	TRAN	08/09/2022	Air France