Slot utilisation rules at Union airports: temporary relief

2022/0214(COD) - 12/07/2022 - Legislative proposal

PURPOSE: to grant temporary relief from the slot utilisation rules at Community airports to mitigate the effects of the Covid-19 crisis and Russia's 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, Russia's 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 Russia's 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 Russia's 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.