

# Public Consultation on the Slot Waiver

Fields marked with \* are mandatory.

## Introduction

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The outbreak of COVID-19 led to an unprecedented drop in air traffic. The number of flights operated in the European airspace had fallen, at their lowest point, by up to 90% in March-April 2020 compared to the same period in 2019. This considerable decrease in air traffic has had undesirable consequences in relation to the operation by airlines of their airport slots. Indeed under the [Slot Regulation](#), airlines are required to operate at least 80% of their series of airport slots in a scheduling season to obtain historic rights ("grandfather rights") to use them for the next scheduling season ("use-it-or-lose-it" rule). Because of the fall in traffic, airlines were left with the dilemma of operating economically unviable flights to keep their slots, or to lose them.

In order to remedy the situation, the EU adopted in March 2020, [Regulation 2020/459](#) amending the Slot Regulation to waive the slot use requirement until the end of the 2020 summer season, that is until 24 October 2020 ("slot waiver"). The amendment also allows the Commission to extend the period of the waiver by one or more delegated acts until 2 April 2021.

Analysis of the application of the slot waiver has led to the identification of concerns over the timing of the surrender of unused slots, which could hinder the possible, temporary use of such slots by other operators, and prevent the best possible use of airport capacity in the current juncture. Further to the application of the slot waiver may also potentially hinder competition between airlines. Given the strong uncertainty about the further development of the pandemic and its impact on air traffic, it may prove necessary to consider more targeted, proportionate and flexible rules, which cannot be achieved through the current blank waiver.

With the present consultation, the Commission is gathering the views of the general public, Member States, the industry and other interested stakeholders regarding the implementation of the current slot waiver, the identification of any related shortcomings, as well as the possible way(s) forward. Respondents are invited to submit evidence to back their opinions, which will be used by the Commission in determining the next policy steps. This consultation is further complemented by a more detailed targeted consultation addressed to slot-coordinators, airports and airlines also requesting detailed slot use data.

## About you

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\* Language of my contribution

- Bulgarian
- Croatian

- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

\* Surname

\* Email (this won't be published)

\* Scope

- International
- Local
- National
- Regional

\* Organisation name

*255 character(s) maximum*

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Djibouti
- Libya
- Saint Martin
- Åland Islands
- Dominica
- Liechtenstein
- Saint Pierre and Miquelon

- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname

- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine

- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

### \* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.



significantly and, as explained above, passengers now decide within four weeks before the scheduled day of operations whether to book a flight or not. These airlines argue that they do not have sufficient visibility of a flights' load factor four weeks in advance to make an informed decision of whether to operate it or hand-back the slot.

**Difficulty for airports, and airport services providers to plan operations effectively**

Airports providing feedback to the Commission have argued that the closer to the planned date of operations slots are returned, the more difficult and costly it is for them to plan their operations. Planning involves considerations about staff, opening of infrastructure and related services (e.g. security equipment and staff, terminal capacity, air bridge operations, cleaning staff, electricity, IT systems). Lower traffic volumes than expected will result in higher costs for airports than necessary, whereas higher traffic volumes at short notice may result in understaffing and difficulty in planning social distancing and sanitary measures. Both result in significant costs to airports.

**Risks that competition is excluded from airports.**

Slot allocation for the winter 2020/2021 scheduling season will have taken place in the knowledge that the season will be marked as one of recovery from the effects of the coronavirus and that further unpredictable changes in demand might still occur in the coming months. Airlines, being aware of the possibility of an extension of the waiver during the slot allocation period may request a number of slots higher than the number corresponding to their historic rights. Thanks to the waiver, there would be no need, to operate them for obtaining the same slots in the next equivalent season. Further, instead of freeing slots they are not using, they may exclude entry into the market by competitors. This is especially problematic where airlines already announced they do not intend to operate their slots at all or cannot any longer operate them because they decided to permanently reduce their fleet and their staff.

An assessment of the situation should also address the risk that coming seasons may witness a structural reduction in capacity placed on the market by airlines, whether through the retirement of aircraft or as a result of market exit. The market may stabilise at a lower level than that witnessed in 2019, and the question arises at what point airlines should be required to adapt to the reduced traffic situation caused by the pandemic through the reinstatement of the use-it-or-lost-it rule.

**1. Do you agree with the above description of the issues?**

	Yes	No	No Opinion/ I do not know
Advanced hand-back of slots	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Difficulty for airports and airport services providers to plan operations effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risks of competitive distortions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**1a. Could you provide further arguments and/or evidence to support your replies?**

**2. Are there any other concerns or problems that have not been identified?**

**3. In your view, is further action by the EU necessary to address the following?**

	Yes	No	No opinion/ I do not know
Grant airlines further relief from the use-it-or-lose-it rule	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure airport capacity is used efficiently while the sector is impacted by the pandemic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure airlines hand back slots sufficiently in advance to be re-used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure airports and groundhandlers can effectively plan operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduce risks of competition distortion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Avoid negative environmental impacts of empty or largely-empty flights operated only for the purpose of maintaining underlying airport slots	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**3a. Could you provide further arguments and/or evidence to support your replies?**

**4. In the context of the COVID-19 crisis, have you observed a trend of airlines using their airport slots in a way that creates inefficiencies for other actors (airports, groundhandling companies, airline competitors, etc.) thereby harming consumers? If so, please explain**

**Possible options**

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The following possible ways forward have been identified:

- 1. Do nothing:** The slot waiver expires on 23 October 2020 and is not extended (meaning the Slot Regulation applies in its entirety). Airlines have to use 80% of their slots in the series allocated to them during the winter 2020/2021 season to obtain historic rights in them.
- 2. Extend the waiver by a delegated act:** the current waiver is extended into the 2020/2021 winter season and possibly beyond by delegated acts, if deemed necessary, following the continuous assessment of the air traffic recovery. This means that any slots an airline holds during the 2020/2021 winter season is grandfathered as long as it is handed back in advance to the slot-coordinator.
- 3. Amend the Slot Regulation to make the application of the waiver subject to conditions,** for example: i) to benefit from the waiver airlines must hand-back the slots they will not use three weeks before the scheduled date of operations, ii) the waiver will not apply to series of slots of an airline that permanently ceases operations at an airport, iii) newly allocated slots will not fall within the scope of the waiver and the use-it-or-lose-it rule applies. These conditions reflect a common approach reached between associations of airports (ACI), airlines (IATA, A4E, AIRE) and slot-coordinators (EUACA). The duration of the waiver with the conditions may be extended by delegated act, if deemed necessary, following the continuous assessment of the air traffic recovery.

**5. Do the proposed ways forward address all the shortcomings identified in the section 'issues with the current slot waiver'?**

	Yes, fully	Yes, partly	Not at all	No opinion/ I do not know
Do nothing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the waiver by delegated act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5a. If you have selected ‘Yes, partly’, please provide details about which concerns you consider haven’t been addressed. Please also indicate your preference. Please provide detailed arguments where possible.**

**5b. If you have selected ‘Yes, partly’ or ‘Not at all’ in relation to “Amend the Slot Regulation”, please indicate if you disagree with any of the proposed conditions and/or provide details of any other conditions that you consider necessary to address the shortcomings identified in the section ‘issues identified with the current slot waiver’?**

**5c. Are there any other options that would better address the identified shortcomings?**

**6. How would the options impact costs for your business?**

	Positive	Negative	Neutral	No opinion/ I do not know
Do nothing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the waiver by delegated act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation subject to other conditions you identified in reply to Question 5b	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any other option you suggested in reply to Question 5c	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**6a. If you have selected ‘positive’ or ‘negative’, please provide an indication of the magnitude of these impacts.**

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**7. In your view, how would the options impact the level of air services?**

	Positive	Negative	Neutral	No opinion/ I do not know
Do nothing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the waiver by delegated act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation subject to other conditions you identified in reply to Question 5b	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any other option you suggested in reply to Question 5c	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**7a. Please explain and provide an indication of the magnitude of these impacts.**

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**8. In your view, how would the options impact the environment (CO2 emissions, Local Air Quality, noise, etc.)?**

	Positive	Negative	Neutral	No opinion/ I do not know
Do nothing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the waiver by delegated act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation subject to other conditions you identified in reply to Question 5b	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any other option you suggested in reply to Question 5c	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**8a. Please explain and provide an indication of the magnitude of these impacts.**

**9. In your view, do the benefits of each of the options outweigh its overall costs?**

	Positive	Negative	Neutral	No opinion/ I do not know
Do nothing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the waiver by delegated act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amend the Slot Regulation subject to other conditions you identified in reply to Question 5b	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any other option you suggested in reply to Question 5c	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**9a. Please provide comments.**

**Additional information**

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**10. Are there other key aspects related to the Slots issue which you did not find reflected in the above questions and would like to comment upon?**

