



Brussels, 21 January 2022  
(OR. fr)

5449/22

AVIATION 10  
DELECT 10

**'I' ITEM NOTE**

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| From:          | General Secretariat of the Council  |
| To:            | Permanent Representatives Committee (Part 1)  |
| No. Cion doc.: | 15170/21  |
| Subject:       | Commission Delegated Regulation (EU) .../... of 15.12.2021 amending Council Regulation (EEC) No 95/93 as regards the extension of measures for temporary relief from the slot utilisation rules due to the COVID-19 crisis <ul style="list-style-type: none"><li>• Intention not to raise objections to a delegated act</li><li>• Decision to use the written procedure</li></ul> |

1. The Commission has submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and Article 10a(5) of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports<sup>1</sup>.
2. The Commission notified the delegated act to the Council on 15 December 2021, hence the Council has until 15 February 2022 to object to it. Delegations were consulted on the delegated act.

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<sup>1</sup> OJ L 14, 22.1.1993, p. 1.

3. At the Working Party on Aviation meeting on 11 January 2022, under ‘Any other business’, the Belgian delegation raised the need to amend and extend the existing slot relief rules to ensure greater flexibility for airlines in view of the observed decline in air traffic, linked, in particular, to the Omicron variant. Many delegations supported Belgium’s position.
4. The Danish delegation subsequently submitted written comments on the delegated act, but it did not formally object to the draft.
5. Consequently, the delegated act was examined at the Working Party on Aviation meeting on 18 January 2022. During the meeting, Denmark, supported by a number of delegations, asked the Commission to reconsider the slot utilisation rate laid down in the delegated act. A large number of delegations had no comments on the delegated act but asked the Commission to ensure greater flexibility and uniformity in the application of the existing relief rules, in particular as regards the force majeure clause, to consider extending the current relief rules to the 2022/23 winter season in the very short term, and to carry out a structural revision of the Regulation in the medium term.
6. During the Working Party meeting, the European Commission explained that the slot utilisation rate laid down in the delegated act was consistent with network manager Eurocontrol’s updated forecasts and that it was closely monitoring air traffic developments. Without prejudice to a potential revision of the existing rules, the Commission indicated that it had opened a dialogue with the slot coordinators to ensure greater uniformity in the application of the current rules.
7. The Presidency concluded that no delegation had objected to the delegated act. However, greater flexibility in the application of the current rules, in particular the force majeure clause, and continued close monitoring of air traffic developments so as to be prepared for any extension, if needed, of the measures beyond summer 2022, seem necessary.

8. It is therefore suggested that Coreper invite the Council:
- to confirm that it has no intention to object to the delegated act;
  - to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2021/2098, that the Council will use the written procedure to confirm that it has no intention to object.
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