Commission Delegated Regulation (EU) 2020/1477 of 14 October 2020 amending Council Regulation (EEC) No 95/93 as regards the temporary extension of exceptional measures to address the consequences caused by the COVID-19 pandemic (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1477

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard Council Regulation (EEC) No 95/93, of 18 January 1993, on common rules for the allocation of slots at Community airports[(1)], and in particular Article 10a(4) thereof,

Whereas:

(1) The COVID-19 pandemic has led to a sharp drop in air traffic as a result of a significant fall in demand and direct measures taken by the Member States as well as third countries to contain the pandemic.

(2) These circumstances are beyond the control of air carriers and the consequent voluntary or obligatory cancellations of air services by air carriers is a necessary or legitimate response to those circumstances.

(3) In order to protect the financial health of air carriers and avoid the negative environmental impact of empty or largely-empty flights operated only for the purpose of maintaining underlying airport slots, Regulation (EU) 2020/459 of the European Parliament and of the Council[(2)] amended Regulation (EEC) No 95/93. That amendment provides that slot coordinators are to consider slots allocated for the period from 1 March 2020 until 24 October 2020 as having been operated by the air carrier to which they were initially allocated.

(4) Regulation (EU) 2020/459 also granted delegated powers to the Commission to amend the period specified in Article 10a of Regulation (EEC) No 95/93 in case the Commission finds, on the basis of figures published by Eurocontrol, which is the network manager for the air traffic network functions of the single European sky, that the reduction in the level of air traffic as compared to the level in the corresponding period in the previous year is persisting and is likely to persist, and also finds, on the basis of the best available scientific data, that that situation is the result of the impact of the outbreak of COVID-19.

(5) In accordance with paragraph 5 of Article 10a of Regulation (EEC) No 95/93, the Commission presented a summary report on this matter to the European Parliament and to the Council by 15 September 2020, which found that the conditions listed in paragraph 4 of Article 10a to amend the period specified in paragraph 1 of the same Article are met.

(6) Despite a gradual increase, air traffic levels are still low in comparison to the same period in 2019 as based on Eurocontrol data, air traffic in August 2020 was still down by -47 % compared to August 2019. Despite the difficulties in accurately predicting the recovery path of air traffic levels, it is reasonable to expect that the situation will persist in the near future. Based on a Eurocontrol coordinated approach scenario (assuming a common approach to putting in place operational procedures and lifting national restrictions), it is expected that in February 2021 air traffic will be -15 % lower compared to February 2020. For the uncoordinated approach scenario (no common approach to putting in place operational procedures and lifting national restrictions), the air traffic drop in the same corresponding period is expected to be -25 %.

(7) The persistent reduction of air traffic is the result of the impact of the COVID-19 pandemic. Based on the available data concerning consumer confidence in the wake of COVID-19, while in April 2020 around 60 % of respondents indicated that they would be likely to return to air travel within a few months after the pandemic subsided, this percentage dropped to 45 % in June 2020. The available data shows a link between the COVID-19 pandemic and consumer demand for air traffic.

(8) The World Health Organisation data shows that the number of daily recorded cases in Europe had reached a peak on 1 April 2020 with 43 326 new cases. In the period from May to mid-July 2020 the rate decreased with most days recording less than 20 000 new cases. However, towards the end of August 2020 the number has picked up again with a considerable number of days recording more than 30 000 new cases.

(9) The weekly surveillance report by the European Centre for Disease Control (ECDC) shows that as of 26 August 2020, the 14-day case notification rate for the EU/EEA and the UK was 46 (country range: 2–176) per 100 000 population. The rate has been increasing for 38 days. Hospital and/or ICU occupancies and/or new admissions due to COVID-19 have recently increased in Bulgaria, Czechia, Greece, Poland, Romania and Slovakia.

(10) In September 2020, the ECDC estimated that the risk of further escalation of COVID-19 across all EU or EEA countries and the United Kingdom is moderate (for countries that continue to implement and enforce multiple measures, including physical distancing and have sufficient contact tracing and testing capacity) and very high (for countries that do not implement or enforce multiple measures, including physical distancing and have insufficient contact tracing and testing capacity).

(11) The air flight restrictions introduced by some Member States, as a result of sanitary and health measures linked to COVID-19, also influence the consumer confidence and resulting demand for air traffic. While the number of such air flight restrictions reduced in the early summer 2020, some Member States introduced new air flight restrictions