

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance)

CHAPTER III

ACCESS TO ROUTES

f¹ Article 21a

Emergency measures linked to the COVID-19 pandemic

1 Notwithstanding Article 21, for the period from 1 March 2020 until 31 December 2020, Member States may, without the agreement of the Commission referred to in Article 21(1), refuse, limit or impose conditions on the exercise of traffic rights if this action is necessary in order to address the COVID-19 pandemic. Such action shall respect the principles of proportionality and transparency and shall be based on objective and non-discriminatory criteria.

2 The Member State concerned shall inform the Commission and the other Member States without delay of such action as referred to in paragraph 1 and its duration, and shall provide them with adequate reasons justifying the need for that action. If the Member State modifies, suspends or withdraws such action after this Regulation has entered into force, it shall inform the Commission and the other Member States accordingly.

3 The Commission may, at the request of any other Member State or States involved, or on its own initiative, suspend the action referred to in paragraph 2 if it does not meet the requirements referred to in paragraph 1 or is otherwise contrary to the Union law.

4 Where the Commission finds, on the basis of the best scientific knowledge, evidence and data, such as data from the European Centre for Disease Prevention and Control, confirming the persistence of the COVID-19 pandemic, that refusals, limitations or impositions of conditions on the exercise of traffic rights by Member States are likely to be necessary beyond the period referred to in paragraph 1 of this Article, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending that period accordingly.

5 The Commission shall continuously monitor the situation using the criteria referred to in paragraph 4. Based on the information available, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where necessary, the Commission shall adopt the delegated act referred to in paragraph 4 as soon as possible.

6 Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.]

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2020/696](#) of the European Parliament and of the Council of 25 May 2020 amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic (Text with EEA relevance).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2018/1392 reg. 7](#)
- Regulation title amended by [S.I. 2018/1392 Sch. 2 para. 2](#)
- Art. 24a(3)-(5) omitted by virtue of [S.I. 2018/1392, Sch. 2 para. 21A\(4\)](#) (as inserted) by [S.I. 2020/1632 reg. 2\(5\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2018/1392 Sch. 2 para. 22](#)
- Art. 2(2) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(2\)](#)
- Art. 2(7) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(3\)](#)
- Art. 2(8) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(4\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(a\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1392 Sch. 2 para. 4\(5\)\(b\)](#)
- Art. 2(11A) inserted by [S.I. 2018/1392 Sch. 2 para. 4\(6\)](#)
- Art. 2(13)(14) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(7\)](#)
- Art. 2(18)(19) words omitted by [S.I. 2018/1392 Sch. 2 para. 4\(8\)](#)
- Art. 2(20)-(22) omitted by [S.I. 2018/1392 Sch. 2 para. 4\(9\)](#)
- Art. 2(26) substituted by [S.I. 2018/1392 Sch. 2 para. 4\(10\)](#)
- Art. 4(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(b\)](#)
- Art. 4(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 6\(c\)](#)
- Art. 4(f) omitted by [S.I. 2018/1392 Sch. 2 para. 6\(d\)](#)
- Art. 13(3)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(ii\)](#)
- Art. 13(3)(a) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(b\)\(i\)](#)
- Art. 13(3)(b) words inserted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(ii\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 14\(4\)\(c\)\(i\)](#)
- Art. 13(3)(b) words substituted by [S.I. 2018/1392, Sch. 2 para. 14\(4\)\(c\)\(zi\)](#) (as inserted) by [S.I. 2019/687 reg. 5\(4\)](#)
- Art. 16(3)(a) words inserted by [S.I. 2018/1392 Sch. 2 para. 17\(4\)\(b\)](#)
- Art. 16(4)(c) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(5\)\(b\)\(ii\)](#)
- Art. 16(12)(a) words omitted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(c\)](#)
- Art. 16(12)(b) words substituted by [S.I. 2018/1392 Sch. 2 para. 17\(10\)\(d\)](#)
- Art. 17(5)(a) omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(a\)](#)
- Art. 17(5)(d) words omitted by [S.I. 2018/1392 Sch. 2 para. 18\(4\)\(b\)](#)