

EUACA GUIDANCE FOR CARRIERS AND COORDINATORS ON SLOT USAGE AT AIRPORTS UNDER THE AMENDED EU SLOT REGULATION, WINTER 21/22

1. Introduction

For the winter season 2021/22 (W21) the European Union will adopt another amendment of EU Slot Regulation 95/93. Next to some of the amendments already introduced for the summer season 2021 (S21) the draft delegated act - as issued by the European Commission on 23 July 2021 - provides for a temporary modification of the use-it or lose-it rules at EU airports. The Delegated Regulation will formally enter into force on the day following that of its publication in the Official Journal of the EU¹.

2. Outline of revised Regulation

The main provisions of the revised Regulation for the EU for W21 are:

- a) The baseline used for the evaluation of the utilisation rate remains the HBD date. Historic precedence will be granted to series of slots provided they meet a minimum **utilisation rate of 50%**.
- b) Please note that - different from the rules for S21 - the amendment does no longer provide for the possibility to hand back complete series before “ERD” and to obtain alleviation for these series.
- c) Carriers will be exempted from above utilisation rate if specific reasons for the non-use of slots apply. The proposed Delegated Regulation continues to provide for an extended list of reasons related to the COVID-19 crisis.
- d) Slots shall be **returned at least three weeks before the planned date of operation**.

3. Interpretation and application

- a) Series of slots are eligible for historic precedence as they were allocated at HBD. *(Note that WASG art. 8.7.2.2. is not applied)*
- b) Series of slots allocated after HBD will be allocated on an ad hoc basis and might receive historic rights or higher priority in the initial allocation of W22 if capacity is available and if they meet the minimum utilization rate of 50%
- c) Justified Non-Usage of Slots (JNUS).
 - o Carriers must provide appropriate information to coordinators justifying the non-usage of slots.

¹ After 20 August 2021 notification of the delegated act will be made to the European Parliament and the Council with a subsequent 2-month scrutiny period applying.

- Cancellations because of restrictions set by an authority with **no end date** are limited to a maximum of six weeks before the scheduled date of operation.
 - Once an end date for the measure is set, it is left to the discretion of the coordinator to decide until what date the JNUS exception is applied; this additional period may be *up to* 6 weeks. Decision may be taken after having heard the carriers concerned.
- e) Carriers operating at Level 2 airports are encouraged to cancel without delay flights that they do not intend to operate but not later than 3 weeks before the scheduled date of operation.
- f) Slots returned without justification later than three weeks before the planned date of operation may be considered as a misuse.

4. Reference documents

- COUNCIL REGULATION (EEC) No 95/93, as last amended by Regulation (EU) 2021/250 of the European Parliament and the Council of 16 February 2021
- COMMISSION DELEGATED REGULATION (EU) .../... of 23.7.2021 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 / C(2021) 5402 final (legislative procedure and publication in EU Official Journal still pending)