

ACL Guidance – Treatment of Cancellations following SARS-CoV-2 Slot Usage Alleviation

1. PURPOSE

The following paper provides guidance on ACL's treatment of cancellations made following the EU decision to grant alleviation from slot utilisation requirement as a result of SARS-CoV-2 and decisions applying at other airports coordinated by ACL.

Should carriers believe that they will be adversely impacted by the contents of this document, they should contact ACL to discuss this as soon as possible.

2. REFERENCES

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community Airports. Reference 2020/0042 (COD) dated 13/03/2020 as updated and agreed by European Parliament on 26 March 2020.

ACL Guidance on Alleviation for Dubai International Airport and coordinated airports in New Zealand as published on the ACL website.

3. APPLICATION OF ALLEVIATION

United Kingdom and European Union

ACL will grant alleviation from non-use of slots from 1 March 2020 to 24 October 2020 and alleviation from non-use of slots for flights to and from mainland China and Hong Kong for the period from 23 January to 29 February 2020.

ACL notes that the proposal will not become final until approved by the European Council and European Parliament.

Dubai International Airport

Northern Winter 2019 & Summer 2020

Alleviation will be granted in line with Government Travel and Regulatory advice which covers slots for flights to/from China (excluding Beijing Capital Airport (PEK)), Iran, Bahrain, Saudi Arabia and Kuwait for the period of such advice. In addition, alleviation will be granted on all routes for the period 01 March – 24 October 2020.

Northern Winter 2020

Alleviation will be granted for cancellations during NW20 subject to the following conditions:

- Slots that carriers are not intending to operate should be returned to the coordinator at least (and ideally well in advance of) four weeks before the date of the planned operation to benefit from alleviation.
- Alleviation will be considered for slots returned less than four weeks before the planned operation if the circumstances are outside the airlines control and result in it no longer being operationally feasible to operate the service. For the avoidance of doubt, commercial considerations would not be considered as a reason for alleviation for slots cancelled within four weeks. In such circumstances the carrier should inform the coordinator as soon as possible. The burden of proof rests with the operator to justify the non-utilisation of the slot.
- If the 80% usage rate as defined in the Historic Eligibility Local Rule cannot be achieved by a carrier and/or after 20% of the series has passed with no slots in that series being utilised or cancelled the coordinator will remove the slot and place the series of slots in question in the pool for the remainder of the scheduling period.
- The waiver does not apply to slots newly allocated for the NW20 season. New slots will be allocated on a non historic basis. Should newly allocated slots be operated, ACL will review the eligibility for historic precedence in the subsequent season as per 8.7.1(d) of the WASG.
- Slots that are not utilised or returned to the coordinator in advance (subject to the above conditions) will not be granted alleviation.
- The waiver will not apply to series of slots of an airline that permanently ceases operations at Dubai International Airport.¹ An airline that ceases operations must immediately return all the slots allocated to it for the remainder of the season and for the next season (if already allocated) and advise the coordinator whether or not it will use the slots in the future. If an airline fails to provide necessary information on its plans by a reasonable deadline date set by the coordinator, then the coordinator may withdraw and reallocate the slots after giving the airline the opportunity to be heard.

New Zealand Airports

Northern Summer 2020

Alleviation will be granted at New Zealand's level 3 airports, Auckland, Christchurch and Wellington, for flights to/from China that were planned to operate from 01 Feb 2020 through to the end of the Northern Winter season and for all flights during Northern Summer 2020 IATA scheduling season for the elements of airport infrastructure which are coordinated.

Northern Winter 2020

Alleviation will be granted for cancellations during NW20 subject to the following conditions imposed by Slot Coordination New Zealand (SCNZ):

¹ An airline with no intention of operating in NW21 following no utilisation of those slots in the NW20 period

- Slot returns must be made at least (and ideally more than) two weeks before the scheduled departure date. Slots handed back with less than two weeks' notice will not automatically be eligible for the alleviated slot usage requirements
- Slots that are returned less than two weeks before operation will be considered for alleviation only if the circumstances are outside the airlines control, for example: changing government advice; border or airport closures; introduction of new quarantine requirement; load restrictions/passenger caps that deem a flight unsustainable. Requests for alleviation on this basis should be submitted to the Coordinator as promptly as possible
- The waiver does not apply to slots newly allocated for the NW20 season. New slots will be allocated on a non-historic basis. Should newly allocated slots be operated, ACLI will review the eligibility for historic precedence in the subsequent season as per 8.7.1(d) of the WASG
- Slots not cancelled before the scheduled date of operation will not be considered for alleviation.

Further details of the SCNZ decision can be found on the ACL website.

4. ACL TREATMENT OF CANCELLATIONS

IATA Northern Winter 2019 Scheduling Season

Alleviation will be granted for slots held on 15 January 2020 that fall within the applicable periods for alleviation which are cancelled by the airline prior to the planned operation.

The cancelled operation will be counted as if it operated and therefore the use it or lose target set at the hand back deadline remains valid.

IATA Northern Summer 2020 Scheduling Season

Alleviation will be granted for slots held on the date the results table was created following the hand back deadline that fall within the applicable periods for alleviation which are cancelled by the airline prior to the planned operation.

The cancelled operation will be counted as if it operated and therefore the use it or lose target set at the hand back deadline remains valid. The number of permitted cancellations will be available to airlines for any period where alleviation has not been granted.

IATA Northern Winter 2020 Scheduling Season

Where alleviation is granted, such alleviation will be based on slots held at the date the results table was created following the hand back deadline. Alleviation will apply where slots are returned by the airline prior to the planned operation and comply with defined conditions where applicable.

The cancelled operation will be counted as if it operated and therefore the use it or lose target set at the hand back deadline remains valid. The number of permitted cancellations will be available to airlines for any period where alleviation has not been granted.

5. HANDING BACK SLOTS

UAE

For slots held and planned to operate on or before 31st July 2020:

Airlines are required to return slots that they seek to claim alleviation for as soon as possible. This is particularly imperative with the changing testing requirements that are being implemented which is severely restricting available capacity. Slots that are held and are not subsequently operated will not be granted alleviation as other carriers will have been denied the opportunity to use the available capacity.

For slots held and planned to operate on or after 01st August 2020 to 24 October 2020:

Airlines are required to hand back slots that they seek to claim alleviation for at least four weeks in advance of the planned operation. Slots that are returned within four weeks of the planned operation or held and not subsequently operated will not be granted alleviation.

Northern Winter 2020

Airlines are required to hand back slots that they seek to claim alleviation for at the earliest opportunity. Slots that are held and are not subsequently operated or returned to the Coordinator outside the conditions detailed in this document will not be granted alleviation as other carriers will have been denied the opportunity to use the available capacity.

New Zealand

New Zealand (Northern Summer 2020)

Airlines are required to hand back slots that they seek to claim alleviation for at the earliest opportunity. Slots that are held and are not subsequently operated will not be granted alleviation as other carriers will have been denied the opportunity to use the available capacity.

New Zealand (Northern Winter 2020)

Airlines are required to hand back slots that they seek to claim alleviation for at the earliest opportunity. Slots that are held and are not subsequently operated or returned to the Coordinator outside the conditions detailed in this document will not be granted alleviation as other carriers will have been denied the opportunity to use the available capacity.

United Kingdom and European Union

Airlines are required to hand back slots that they seek to claim alleviation for at the earliest opportunity. Slots that are held for flights operating after 08 April 2020 and are not subsequently operated will not be granted alleviation as other carriers will have been denied the opportunity to use the available capacity.

6. UTILISATION OF SPARE CAPACITY/REINSTATEMENT OF FLIGHTS

Slots returned to ACL will be placed in the pool and reallocated on an adhoc basis irrespective of series length. Any airline wishing to reinstate flights will be allocated slots based on the available capacity at the time the request is made. Airlines should not assume that the capacity returned will be available for them to utilise.

The baseline will be maintained to reflect the historic position prior to alleviation, however any capacity in the live schedule will be made available for schedule improvements and new adhoc requests.

7. REVIEW

ACL will continue to monitor the situation closely and will adapt our position and amend this guidance if required.