

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 as Regulatory Authorities 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

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 30 March 2020.

Regulation (EU) 2021/250 of the European Parliament and of the Council of 16 February 2021 amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Union airports due to the COVID-19 crisis, formally entered into force on 20 February 2021.

United Kingdom Secretary of State announcement date 28 January 2021.

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

Northern Winter 2020

ACL will grant alleviation from non-use of slots to airlines at the 11 airports it coordinates across the European Union and the United Kingdom from 25 October 2020 to 27 March 2021 subject to the agreed industry conditions that can be found [here](#). Any subsequent changes to the conditions (made under EU law, or UK law after 1st Jan 2021) will be applied (in place of the agreed industry conditions) from the date the conditions under legislation are in force.

ACL has also published additional guidance on the treatment of newly allocated slots which can be found [here](#).



European Union

Northern Summer 2021

The EUACA has issued guidance on how European coordinators will interpret the amended EU Regulation which can be found [here](#). The following supplementary guidance provides further details of how ACL will apply the Regulation before and after it comes into force.

A flow diagram summarising the process is included in appendix 1.

ACL will provide carriers with the total of slots held at the S21 SHL that will determine the number of slots that that alleviation can be requested. This information will also determine carriers that held less than 29 slots a week on average and are permitted to return 100% of slots and request alleviation.

ACL will create the baseline as per normal at the HBD. The utilisation target will be set at 50% for all series held at the HBD. As the Regulation is not yet in force, it will be for the airline to decide at which point to return full series slots between the HBD and the ERD for alleviation. ACL will process all returned slots as they are received and will provisionally count the slot as operated subject to the conditions of the alleviation being met at the ERD.

Slots being returned between the HBD and the ERD should be entire series as held at the HBD. Parts of series will not be alleviated and will count towards the utilisation target.

At the ERD, ACL will confirm the total number of full series slots returned. If carriers meets the conditions of the Regulation, alleviation will be granted. Should the cancellations be greater than those permitted, ACL will contact the airline to determine which flights will not be granted alleviation and will need to be operated to achieve historic entitlement. If ACL is not able to contact the carrier, ACL will use its discretion as to which flights will need to be operated to retain the historic entitlement.

After the ERD, all cancellation will not count towards the utilisation target unless alleviated under the justifiable non-utilisation of slots provision of the Regulation.

United Kingdom

Northern Summer 2021

Following the UK Government's announcement on 24 February that it will enact an extension of the current waiver to come into force for S21, ACL will grant alleviation for S21 for all carriers flying into and out of UK coordinated airports where the relevant unused slots have been made available to the coordinator for reallocation to other air carriers.

Justified non-utilisation of newly allocated slots is subject to Article 10(4) of the Slot Regulation and may be considered for historic rights.

Dubai International Airport

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.

Northern Summer 2021

A re-coordination exercise applies based on a lower temporary capacity. Alleviation has been granted in relation to this process. Further details can be found [here](#).

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

New Zealand Airports

Northern Winter 2020

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

- 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.

Northern Summer 2021

Alleviation has been granted as per the WASB recommendation.

4. ACL TREATMENT OF CANCELLATIONS

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

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.

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.

Appendix 1 – NS2021 – EU proposed alleviation process

