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 because of SARS-CoV-2 and decisions applying to 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 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. EU announcement dated 23 July 2021 and 15 December 2021 stating its intent to amend and extend alleviation into W21 and S22 respectively.

United Kingdom Secretary of State announcement date 28 January 2021 and Minister of Aviation, Maritime and Security letter dated 19 July 2021. SI 2021/000 – The Airports Slot Allocation (Alleviation of Usage Requirements) (No 2) Regulations 2021 amending the UK Slot Regulation.

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

3. APPLICATION OF ALLEVIATION

European Union

Northern Summer 2022

During Northern Summer 2022, the utilisation target to gain historic entitlement for Northern Summer 2023 has been set at 64%. This will apply to all allocated slots including newly allocated.

Historic Determination will be based as per ACL policy for Northern Winter 2021 and beyond which can be found here.

Justified non-use of slots will be based on Article 10(4) of the EU Slot Regulation as amended. The amended definition of a New Entrant and the requirement to return slots no less than three weeks before the date of operation continue to apply.

Northern Winter 2021

During Northern Winter 2021, the utilisation target to gain historic entitlement for Northern Winter 2022 has been set at 50%. This will apply to all allocated slots including newly allocated.

Slots currently held as conditional (T coded) will be converted to confirmed slots and will earn historic status if operated for 50% or more of the series held at HBD.

Historic Determination will be based as per ACL policy for Northern Winter 2021 which can be found here.

Justified non-use of slots will be based on Article 10(4) of the EU Slot Regulation as amended. The amended definition of a New Entrant and the requirement to return slots no less than three weeks before the date of operation continue to apply.

United Kingdom

Northern Summer 2022

TBC

Northern Winter 2021

The UK Government has announcement its intention to amend the UK Slot Regulation to provide alleviation during NW21. Full details of the SI amending the Regulation can be found here.

In summary, ACL will grant alleviation to full series slots allocated for W21 that were previously allocated to that carrier in W20 or exchanged prior to 31 August 2021, provided they are returned to the coordinator between HBD and 2355 UTC on 7 September 2021. This does not apply to carriers that have announced plans to permanently cease operations at the airport concerned.

Parts of series will not be alleviated and will count towards the utilisation target.

All slots held by the airline after the 7 September 2021 will be subject to a 50% utilisation requirement to achieve historic entitlement in W22. Alleviation for any cancellations made within the season will be subject to Article 10(4)(a-e) of the UK Slot Regulation. A flow diagram of how ACL will apply alleviation is included in Appendix 1.

Airlines wishing to claim alleviation under Art 10(4)(e) should only return slots when the request for alleviation meets the requirement of (v) – ***"the measures are in effect at the date the slots are due to be operated, or were in effect a maximum of three weeks***

before that date". Slots returned in advance of the three weeks will not be alleviated as it would not be possible to determine if the measure will be in place (or not) at the time the cancellation was made.

A flow diagram summarising the alleviation process is included in Appendix 2. Carriers intending to return slots to claim alleviation and then request adhoc slots should do so in separate messages. Please do not submit action codes D and N on the same message during this period.

New requests will be considered after 7 September 2021 and after the waitlist has been reviewed.

Any new request will be subject to the declared or temporary capacity limits that apply at the time the allocation is made. New requested will be processed on a first come first served basis.

Newly allocated slots will continue to be treated as non-historic. Details can be found here.

Dubai International Airport

Northern Summer 2022

ACL will grant alleviation to full series slots allocated for S22 that were previously allocated to that carrier in S21 or exchanged prior to 31 January 2022, provided they are returned to the coordinator between HBD and 2355 UTC on 2 February 2022.

Parts of series will not be alleviated and will count towards the utilisation target.

NOTE: AIRLINES SHOULD ONLY RETURN SLOTS DURING THE NORTHERN RUNWAY REHABILITATION (NRR) CLOSURE PERIOD 9 MAY – 22 JUNE 2022 IF THEY NO LONGER INTEND TO OPERATE THEM. HISTORIC'S FOR NS23 WILL BE BASED ON OPERATIONS FROM 04 JULY 2022.

All slots held by the airline after the 2 February 2022 will be subject to a 70% utilisation requirement to achieve historic entitlement in S23. Alleviation for any cancellations made within the season (outside the NRR closure period) will be subject to section 4.21-4.25 (Justification for the Non-Utilisation of Slots (JNUS)) of the ACL Guidance on the management of slots at Dubai Airports during the Northern Winter 2021 (W21) IATA Season which can be found here.

A flow diagram summarising the alleviation process is included in Appendix 3. Carriers intending to return slots to claim alleviation and then request adhoc slots should do so in separate messages. Please do not submit action codes D and N on the same message during this period.

A re-coordination exercise to smooth any slots exceeding the temporary capacity limits and communicate the results no later than 10 February 2022 by issuing an SIR. Newly

allocated slots, labelled as T coded slots, will be adjusted to fit within available capacity first as historic slots hold historical precedence. Thereafter, historic slots may also require adjustments. This will include a combination of mandatory seat caps and/or retimes.

New requests will only be considered after any re-coordination has been completed and after the waitlist has been reviewed.

Any new request will be subject to the declared or temporary capacity limits that apply at the time the allocation is made. New requested will be distributed across all carriers requesting slots in a fair and transparent process.

Newly allocated slots will continue to be treated as non-historic. Details can be found here.

Northern Winter 2021

ACL will grant alleviation to full series slots allocated for W21 that were previously allocated to that carrier in W20 or exchanged prior to 31 August 2021, provided they are returned to the coordinator between HBD and 2355 UTC on 2 September 2021.

Parts of series will not be alleviated and will count towards the utilisation target.

All slots held by the airline after the 2 September 2021 will be subject to a 50% utilisation requirement to achieve historic entitlement in W22. Alleviation for any cancellations made within the season will be subject to section 4.21-4.25 (Justification for the Non-Utilisation of Slots (JNUS)) of the ACL Guidance on the management of slots at Dubai Airports during the Northern Winter 2021 (W21) IATA Season which can be found here.

A flow diagram summarising the alleviation process is included in Appendix 4. Carriers intending to return slots to claim alleviation and then request adhoc slots should do so in separate messages. Please do not submit action codes D and N on the same message during this period.

A re-coordination exercise to smooth any slots exceeding the temporary capacity limits and communicate the results no later than 10 September 2021 by issuing an SIR. Newly allocated slots, labelled as T coded slots, will be adjusted to fit within available capacity first as historic slots hold historical precedence. Thereafter, historic slots may also require adjustments. This will include a combination of mandatory seat caps and/or retimes.

New requests will only be considered after any re-coordination has been completed and after the waitlist has been reviewed.

Any new request will be subject to the declared or temporary capacity limits that apply at the time the allocation is made. New requested will be processed on a first come first served basis.

Newly allocated slots will continue to be treated as non-historic. Details can be found here.

New Zealand Airports

Northern Summer 2022

SCNZ has granted a continuation of the NW21 alleviation into NS22. The details can be found here.

Northern Winter 2021

SCNZ has granted a continuation of the NS21 alleviation into NW21. The details can be found here.

4. ACL TREATMENT OF NEWLY ALLOCATED SLOTS

ACL has also published additional guidance on the treatment of newly allocated slots which can be found here. This guidance does not apply to airports under the EU Slot Regulation for NW21.

5. 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.

6. 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.

7. UTILISATION OF SPARE CAPACITY/REINSTATEMENT OF FLIGHTS

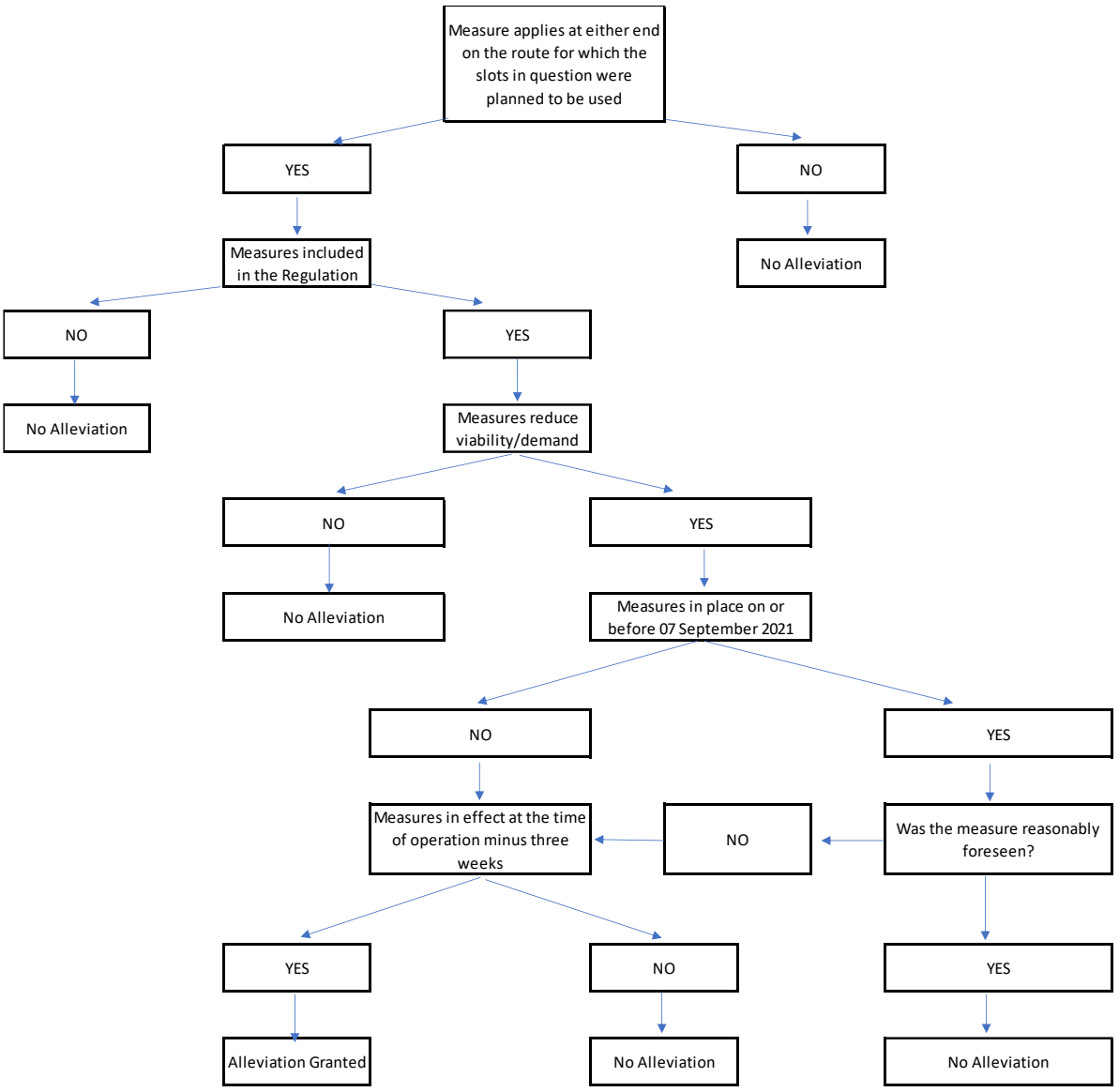
Slots returned to ACL will be placed in the pool and reallocated on an adhoc basis irrespective of series length. Any airline wishing to reinstate flights will be allocated slots based on the available capacity at the time the request is made. Airlines should not assume that the capacity returned will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

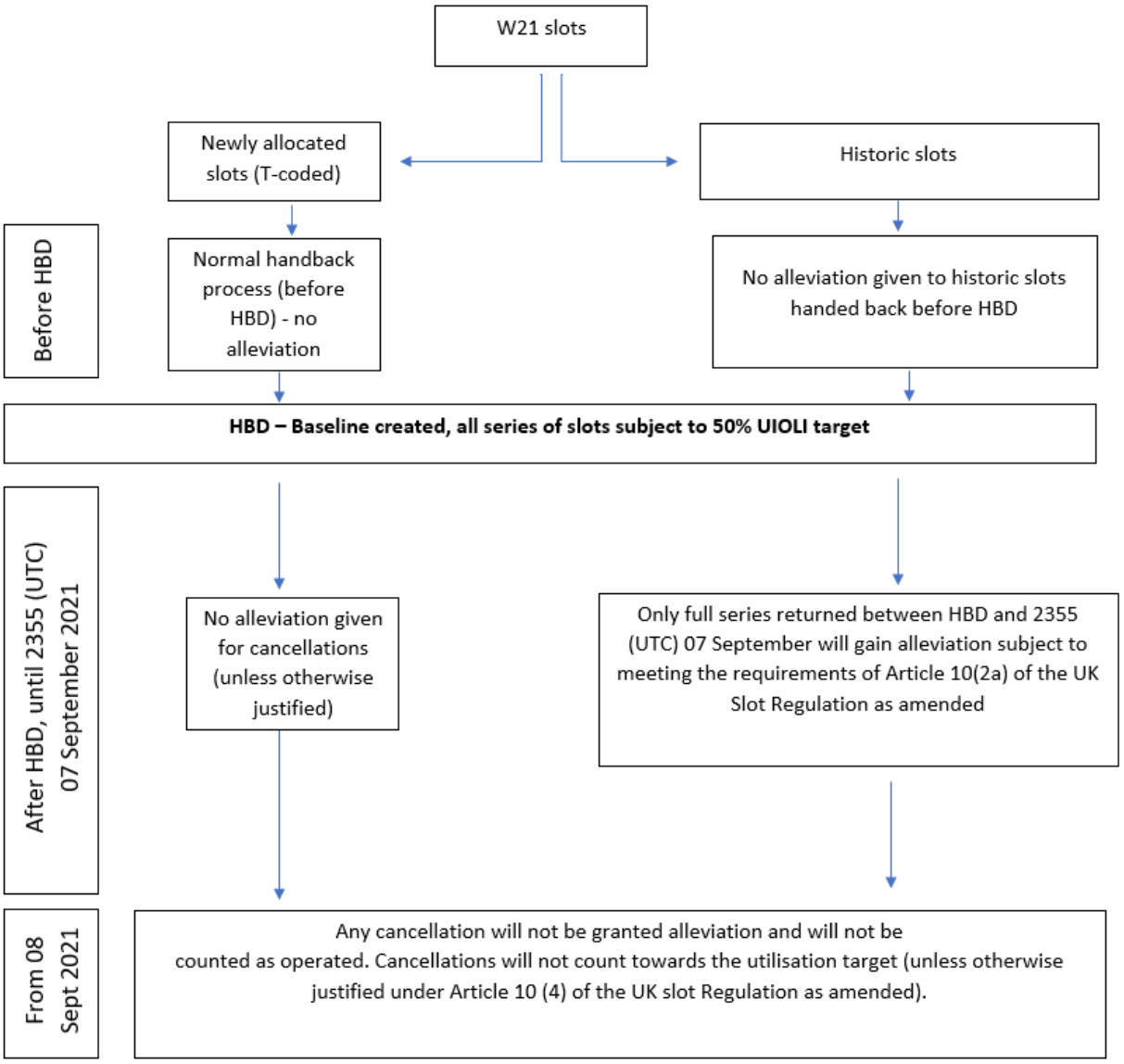
8. REVIEW

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

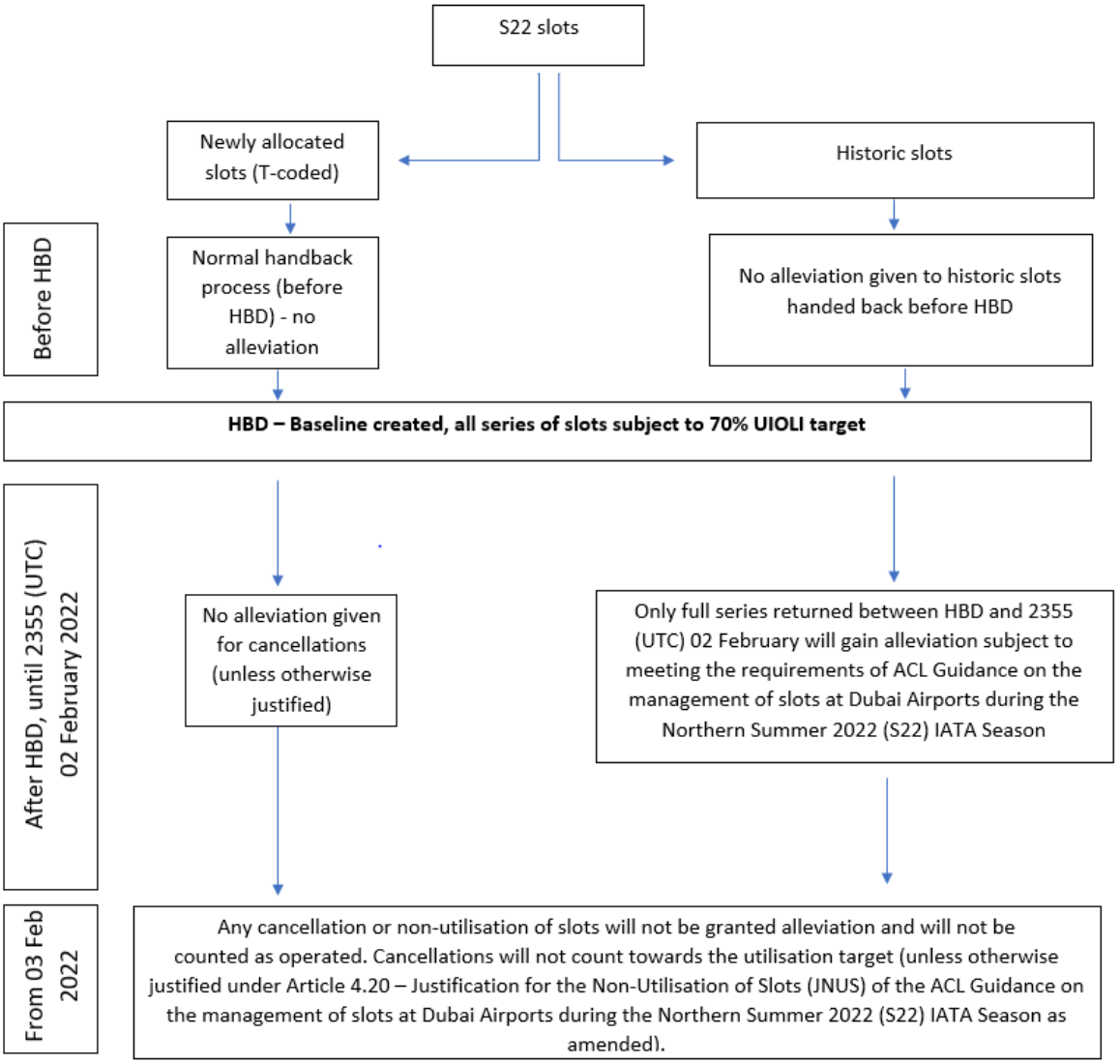
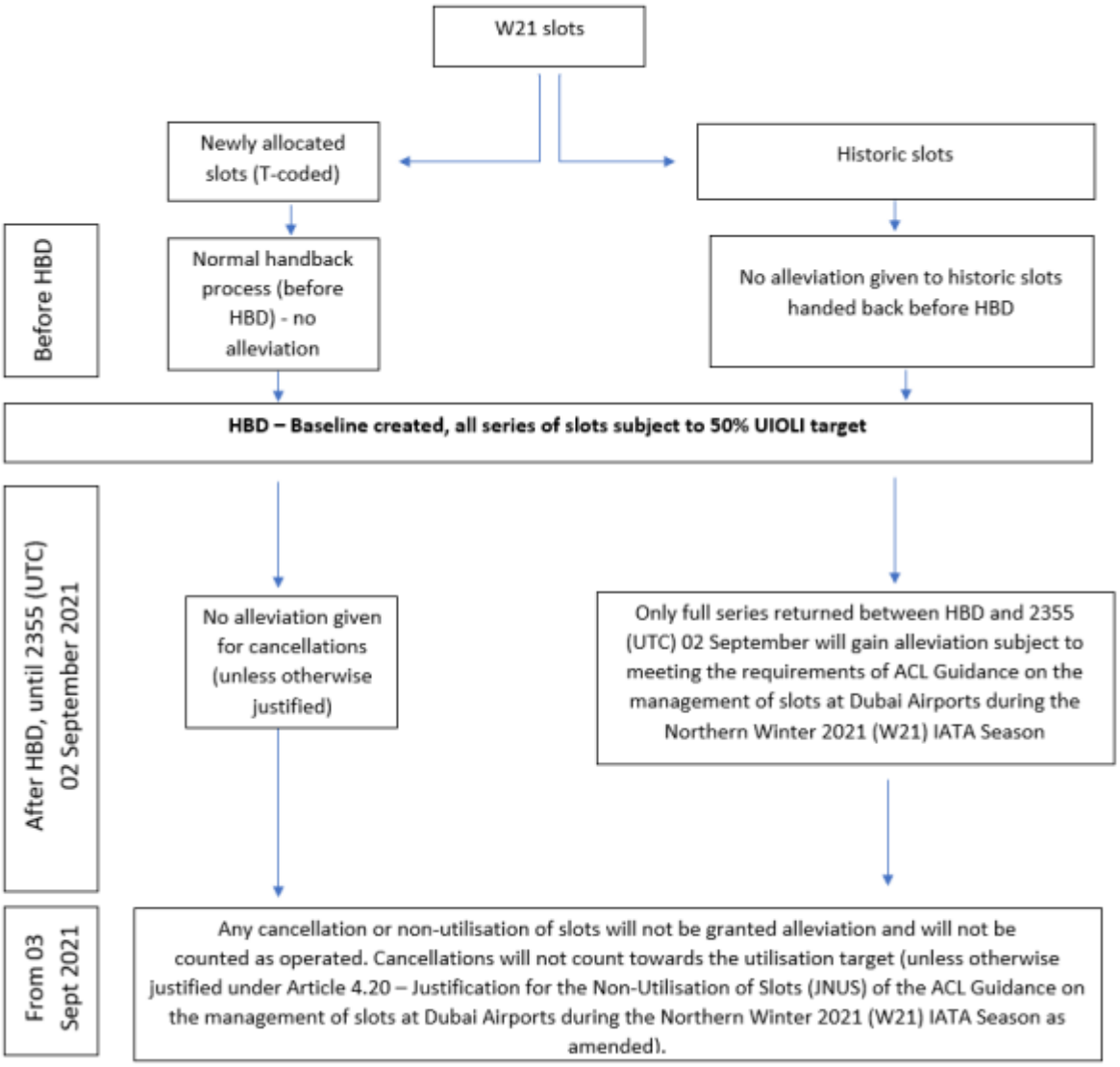
Appendix 1 – NW2021 – UK Alleviation – Application of Article 10(4)(e)



Appendix 2 – NW2021 – UK Alleviation process



Appendix 3 – NS2022 – Dubai International Airport Alleviation process



Appendix 4 – NW2021 – Dubai International Airport Alleviation process