
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Airports Slot Allocation (Alleviation of Usage Requirements) (No. 3) Regulations 2022

Amendment of Council Regulation (EEC) No 95/93

2.—(1) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports is amended as follows.

(2) In Article 2(n) (definition of ‘required percentage’), after “29 October 2022;” insert—

— “70 %, in the case of slots with a date falling within the scheduling period from 30 October 2022 until 25 March 2023;”.

(3) In Article 10 (slot pool), at the end of paragraph 4(f) insert—

“;

(g) in relation to slots with a date falling within the scheduling period from 30 October 2022 until 25 March 2023, government-imposed measures related to severe acute respiratory syndrome coronavirus 2 which meet all of conditions (i) to (iv) below:

(i) the measures apply at either end of the route for which the slots in question were used or planned to be used;

(ii) the measures take the form of any of the following affecting the route, or a significant number of passengers or crew on the route:

- flight bans or border closures;
- quarantine or self-isolation requirements;
- requirements to test negative for severe acute respiratory syndrome coronavirus 2 before undertaking air travel or before entry into the territory of the government concerned;
- official government advice against all but essential travel;
- severe or total closure or unavailability of airports, essential ground handling services or other businesses essential to support aviation;
- severe restrictions on the number of passengers permitted on flights or in airports;
- severe or total closure of accommodation, surface travel or other essential tourist services; or
- significant restrictions on onward travel which is booked along with the flight as part of a package;

(iii) the measures severely reduce the viability of, or demand for passenger travel on, the route for part or all of the period to which the slots relate; and

(iv) any one or more of the following applies:

- the measures are in effect at the date the slots are due to be operated;
- the measures were in effect a maximum of three weeks before that date; or
- the measures were in effect more than three weeks before that date, the government imposing the measures made an official announcement relating to their duration which made it

reasonable to expect that they would remain in effect until that date, and the air carrier made the slots available to the coordinator for reallocation.”.

(4) In Article 10a, after paragraph 3a insert—

“**3b.** For the purposes of Articles 8(2), 10(2) and 14(6), the coordinator shall consider up to 10% of the slots allocated to an air carrier at an airport for the period from 30 October 2022 until 25 March 2023 as having been operated by that air carrier if the air carrier:

- (a) had the right to use the same slots during the scheduling period from 31 October 2021 until 26 March 2022, or received the slots following a transfer or exchange which took effect before 31 August 2022 pursuant to Article 8a;
- (b) returned the slots to the coordinator during the period from 1 September 2022 until 7 September 2022, for reallocation to other air carriers;
- (c) did not, during the period from 1 September 2022 until 14 September 2022, request any slots or any re-timing of slots; and
- (d) has not, on or after 29 October 2022, given written notification to the coordinator or the managing body of the airport that it has permanently ceased, or will before 29 October 2023 permanently cease, to operate air services at that airport, or publicly issued a written statement to that effect.”.

(5) In Article 14 (enforcement), in paragraph 6(c), after “29 October 2022;” insert—

— “30 %, in the case of slots with a date falling within the scheduling period from 30 October 2022 until 25 March 2023;”.