

2021 No. 1200

CIVIL AVIATION

The Airports Slot Allocation (Alleviation of Usage Requirements) (No. 2) Regulations 2021

Made - - - - - *27th October 2021*

Coming into force- *30th October 2021*

The Secretary of State makes these Regulations in exercise of the powers conferred by Article 10aa and paragraph 3 of Article 13 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports(a).

In accordance with paragraph 1a of Article 13 of that Regulation, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State considers that, as a result of severe acute respiratory syndrome coronavirus 2, there has been a reduction in the level of air traffic in a period compared to the corresponding period in a relevant previous year, and that the reduction is likely to persist.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Alleviation of Usage Requirements) (No. 2) Regulations 2021 and they come into force on 30th October 2021.

(2) These Regulations extend to, and apply in relation to airports located in, England and Wales and Scotland.

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 (definitions), at the end insert—

“;

(n) ‘required percentage’ shall mean:

- 50 %, in the case of slots with a date falling within the scheduling period from 31 October 2021 until 26 March 2022;
- 80 %, in any other case.”.

(3) In Article 8 (process of slot allocation), in paragraph 2—

(a) after “10(1)” insert “and (2a)”;

(a) EUR 1993/95, as amended by section 12 of the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12) and by S.I. 2019/276, 2021/100 and 2021/185.

(b) for “80 %” substitute “the required percentage”.

(4) In Article 10 (slot pool)—

(a) in paragraph 2, for “80 %” substitute “the required percentage”;

(b) after paragraph 2 insert—

“2a. Notwithstanding paragraph 2, a series of slots at an airport allocated to an air carrier for the scheduling period from 31 October 2021 until 26 March 2022 shall entitle the air carrier to the same series of slots for the scheduling period from 30 October 2022 until 25 March 2023 if the air carrier:

(i) had the right to use the same slots during the scheduling period from 25 October 2020 until 27 March 2021 or received the slots following a transfer or exchange which takes effect before 31 August 2021 pursuant to Article 8a;

(ii) made the complete series of slots available to the coordinator for reallocation on or before 7 September 2021; and

(iii) has not, on or after 31 October 2021, given written notification to the coordinator or the managing body of the airport that it has permanently ceased, or will before 30 October 2022 permanently cease, to operate air services at that airport, or publicly issued a written statement to that effect.”;

(c) in paragraph 4, for “80 %” substitute “required percentage”;

(d) at the end of paragraph 4(d) insert—

“;

(e) in relation to slots with a date falling within the scheduling period from 31 October 2021 until 26 March 2022, government-imposed measures related to severe acute respiratory syndrome coronavirus 2 which meet all of conditions (i) to (v) 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;

— 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;

(iv) the measures could not reasonably have been foreseen by the air carrier concerned in time to make the series of slots available for reallocation on or before 7 September 2021; and

(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.”.

(5) In Article 10a, in paragraph 3, for “later than 8 April 2020” substitute “from 9 April 2020 to 30 October 2021”.

(6) In Article 14 (enforcement)—

(a) in paragraph 6(a)—

- (i) for “80 %” substitute “required percentage”;
- (ii) omit “as defined in Article 8(2)”;
- (b) in paragraph 6(b), for “20 %” substitute “the relevant percentage”;
- (c) after paragraph 6(b) insert—
 - “(c) For the purposes of subparagraph (b), the relevant percentage is:
 - 50 %, in the case of slots with a date falling within the scheduling period from 31 October 2021 until 26 March 2022;
 - 20 %, in any other case.”.

Signed by authority of the Secretary of State for Transport

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

27th October 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in the field of aviation, relating to the allocation of slots at congested airports. They amend Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports (“the Regulation”), to make provision about the allocation of airport slots to air carriers in respect of specified periods, as a result of a reduction in the level of air traffic as a result of COVID-19.

Under Article 8(2) and 10(2) of the Regulation, air carriers are generally required to return airport slots to the slot coordinator at the end of the scheduling period for which they were allocated, unless they operated the series of slots for at least 80% of the time or the non-utilisation can be justified on the basis of certain reasons listed in Article 10(4).

These Regulations make three changes in relation to slots allocated for the scheduling period which runs from 31st October 2021 to 26th March 2022, which will affect reallocation of the same slots for the equivalent period from October 2022 to March 2023:

- the required percentage usage rate is reduced from 80% to 50% (and the allotted point during the series validity at which the slot coordinator can withdraw the remaining slots if no slots of that series have been used is correspondingly increased from 20% to 50%);
- a new paragraph 2a is added in Article 10 of the Regulation, enabling an air carrier also to retain rights to a series of slots if it returned the complete series to the slot coordinator for reallocation on or before 7th September 2021;
- the list of reasons on the basis of which non-utilisation of slots can be justified, which appears in Article 10(4) of the Regulation, is expanded to include certain government-imposed measures related to COVID-19 which severely reduce the viability of, or demand for passenger travel on, the route in question.

Regulation 2(3)(a) and (5) make minor consequential amendments to Articles 8(2) and 10a(3).

A full impact assessment has not been produced for this instrument as it makes provision which is to have effect for a period of less than 12 months. An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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<http://www.legislation.gov.uk/id/uksi/2021/1200>

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