
STATUTORY INSTRUMENTS

2021 No. 1200

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

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)”;
(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.”.