

UPDATED: 19FEB21

Implementation of Regulation EU 2021/250 issued on 16. February 2021, (published on 19. February 2021 - L58/1) amending Regulation 95/93 of the European Union at coordinated/facilitated Airports in Austria (Changes to the last version are marked in colour)

1. Introduction:

- 1.1 Covid-19 has had a significant impact on demand across the aviation sector worldwide. This has resulted in alleviation measures by authorities being sought to remove or reduce the requirement to operate and to achieve historic entitlement in the subsequent season.
- 1.2. Airlines (IATA), Airports (ACI) and the Coordinators (WWACG) developed a common recommendation (WASB Recommendations) how to coordinate and monitor the S21 scheduling period and how to support the return of the aviation industry to levels before 2020.
- 1.3. It is the intention of the European Commission, the Council and the European Parliament to agree on an amendment of the EU Slot Regulation including definitions on slot utilisation and requirements on slot allocation for new entrants, return of slots to the slot pool, protection of historic rights and other certain conditions.
- 1.4. Therefore SCA will apply EU-Regulation 95/93 for the coordination of the S 21 scheduling period until the amended regulation is published and comes into force. As soon as the European Union agreed and published an amended Regulation, SCA will apply the amended regulation in all its elements. This will include also the definitions of the deadlines for schedule coordination and facilitation.
- 1.5. EUACA approved and published a "EUACA GUIDANCE FOR CARRIERS AND COORDINATORS: SLOT USAGE AT AIRPORTS UNDER THE AMENDED EU SLOT REGULATION, SUMMER 2021"

This document was updated on 19th February 2021 and is enclosed for information.

2. Application of the amended Regulation by SCA

2.1. Return of allocated Slots

- a) Airlines may hand back full (complete) series of slots allocated to them as for S20 but which they do not intend to use, to the Coordinator/Slot Pool at any time;
- b) Airlines may be entitled to the same series of slots in S22, if they return the complete series allocated to them for S21 after HBD and before the EU Return Deadline (ERD) which is before 8 days (not later than 7 days) after publication of the Regulation.
- c) The Regulation was adopted on 16th February 2021 by the respective Bodies of the European Union and **was published on the 19th February 2021.**

The ERD deadline for returns is Saturday, 27th February 2021, 22:59 utc.;

- d) For 50% of the series described under b), based on the SHL from S20 for S21, SCA will grant alleviation for the same series to the same carrier in S22;
- e) Carriers holding fewer than 29 slots per week on average may hand back all complete historic series (as allocated for ie S20) before the ERD and retain historic precedence for summer 2022 without operating these slots.
- f) Basis for these series is the SHL from S20 for S21;
- g) Complete series of slots mean all the slots pertaining to a series as defined in Art. 2(k) of the Regulation;
- h) Slots returned before the HBD (31st January 21), and therefore not entitled to obtain historic priority will not affect the number of slots which can be handed back before the ERD;
- i) SCA will concentrate its work to handle all slot returns received as soon as they arrive in our office; however, new requests will be handled not before 8th March 2021;
- j) Slots should be returned at least three weeks before operation;
- k) Carriers will be exempted from above utilisation rate if specific reasons for the non-use of slots apply. The proposed revised Regulation provides for an extended list of reasons related to the COVID-19 crisis.
- l) The possibility to early return complete series (see 2.1.a above) is supposed to enable an early reallocation of returned complete series to other carriers on an ad hoc basis in order to facilitate the use of airport capacity during S21.
Capacity that becomes available due to complete series returned before ERD will therefore be reallocated in accordance with priorities to already existing outstanding waitlist requests (on an ad hoc basis).
In the case that an air carrier who has made available complete series for reallocation before ERD intends to reclaim such series at a later stage due to changed circumstances related to the COVID-19 pandemic, slots will be allocated subject to capacity available.
Carriers are requested to act in accordance with the objectives of the amended Slot Regulation and to provide transparent information about the reasons for reclaiming previously returned series.

2.2. Threshold

Slots not returned to the coordinator in accordance with 2.1. have to be operated by 50% of the allocated slots at the HBD for S21.

2.3. Baseline

The slots coordinated at HBD on 31st January 2021 are the basis for the Baseline S21.

3. Reasons for Cancellation

The proposed revised Regulation provides for an extended list of reasons related to the COVID-19 crisis

4. Slot Transfer

Slots transferred during or after the initial submission for S21 and before HBD (31JAN21) under the terms of article 8a (1) (b) of the EU-Slot-Regulation 95/93 do not change the number of slots which can be handed back to the Coordinator for receiving complete series alleviation.

5. Slots allocated after HBD (31st January 2021)

Slots allocated after HBD will be allocated (code T) on an ad hoc basis and might receive higher priority in the initial submission for S22 if capacity is available.

6. Article 8.7.2.2. of the World Airport Slot Guidelines is not a part of EU Regulation 95/93 amended by Regulation **2021/250**, and also the WASB Recommendations for "Airport Slot Alleviation measures for NS 21" clearly mention, that this element of the WASG will not be applicable in S21, SCA will **not** apply this point.

7. Level II Airports

Carriers operating at level 2 airports are encouraged to cancel without delay flights that they do not intend to operate.

Annexes:

- Annex 1: **EUACA Guidance – dated 19th February 2021**
- Annex 2: Workflow S 21 – EU Proposed alleviation process
- Annex 3 List of Carrier holding less than 29 Slots per week

Vienna, 19th February 2021

Annex 1:

EUACA GUIDANCE FOR CARRIERS AND COORDINATORS: SLOT USAGE AT AIRPORTS UNDER THE AMENDED EU SLOT REGULATION, SUMMER 2021

1. Introduction

The European Union will adopt an amendment of EU Slot Regulation 95/93 that set rules for a waiver on use-it or lose-it rules at EU airports and which will apply in Summer Seasons 2021 (S21) and possibly beyond.

The amended EU Slot Regulation will formally enter into force with the publication in the Official Journal of the EU.

2. Outline of revised Regulation

The main provisions of the revised Regulation for the EU for S21 are:

- a) Carriers may **hand back complete historic series of slots at an airport up to 50%** of slots as allocated for S20 before Saturday **27 February 22h59 UTC**, which we will refer to as the EU Return Date (ERD) and retain historic precedence for Summer 2022 without operating these slots (**complete series alleviation**).
- b) Carriers holding fewer than 29 slots per week on average may hand back all complete historic series (as allocated for S20) before the ERD and retain historic precedence for Summer 2022 without operating these slots.
- c) The baseline used for the evaluation of the utilization rate remains the HBD date. Historic precedence will be granted to series of slots not handed back by the ERD provided they meet a minimum **utilization rate of 50%**.
- d) Carriers will be exempted from above utilization rate if specific reasons for the non-use of slots apply. The proposed revised Regulation provides for an extended list of reasons related to the COVID-19 crisis.
- e) Slots should be **returned at least three weeks before operation**.

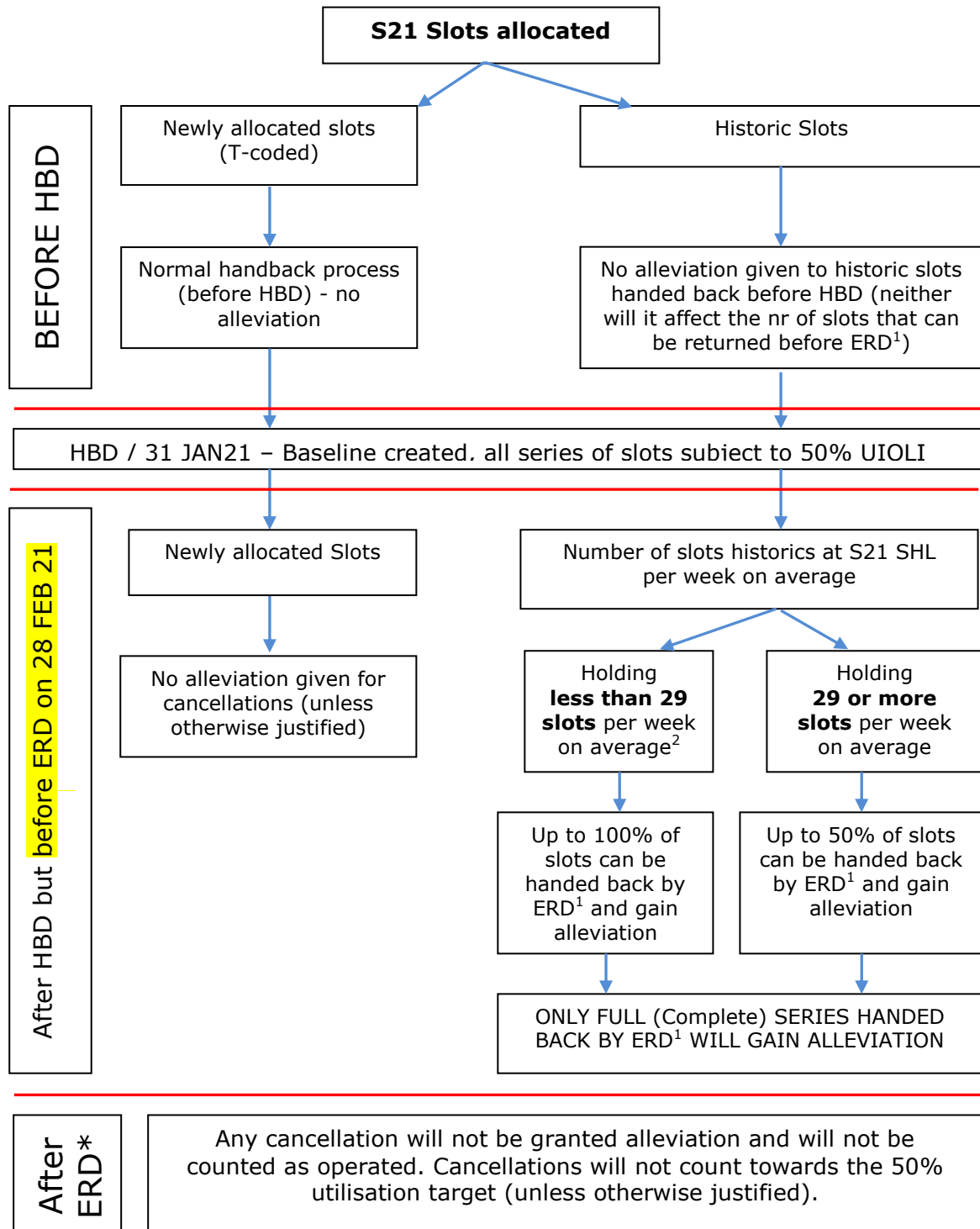
3. Interpretation and application

- a) The calculation of the total number of slots which a carrier may hand back under 2.a) above will be based on a carrier's Slot Historical List (SHL) as agreed with the carrier in September 2020 for historic precedence for slot submissions for S21 (S21 SHL).
- b) The total number of slots a carrier can hand back under point (a) above will be no greater than 50% of the total number of slots in the SHL.
- c) Only series of slots which were in the S21 SHL of the same carrier can be handed back under this provision, including any slots which (during or after initial coordination for S21) have been re-timed or exchanged under the terms of article 8a (1) (c) EU Slot Regulation.
- d) Series of slots transferred in or after the initial submission of S21 and before 31 January 2021 (HBD) under the terms of article 8a (1) (b) EU Slot Regulation, and that were in the S21 SHL, will change the number of slots of the carriers concerned that can be handed back and receive complete series alleviation. The possibility to return slots for full alleviation is also considered to have been transferred.

- e) "Complete series" of slots means all the slots pertaining to a series as defined in EU Slot Regulation, article 2(k).
- f) Slots returned before the HBD, and therefore not entitled to obtain historic precedence, will not affect the number of slots which can be returned before the ERD which is 50% of the slots in a carrier's S21 SHL.
- g) Coordinators may not grant historic precedence to series returned which result in returns of more than 50% of slots in the S21 SHL. In this case, coordinators will use discretion to decide which of the series handed back are not granted historic precedence to remain within the 50% number, unless the carrier concerned provides the coordinator with the relevant information before a deadline set by the coordinator. Carriers therefore should avoid handing back more than 50% of the S21 SHL total.
- h) A carrier allocated fewer than 29 slots per week on average in the previous equivalent scheduling period (i.e. S20) can hand back some or all of its complete slot series by the ERD and will be granted historic precedence for those slots. A carrier will meet this condition if its S21 SHL was for a total of less than 899, based on an average 29 weekly slots multiplied by 31 weeks.
- i) The possibility to early return complete series (see 2a above) is supposed to enable an early reallocation of returned complete series to other carriers on an ad hoc basis in order to facilitate the use of airport capacity during S21. Capacity that becomes available due to complete series returned before ERD will therefore be reallocated in accordance with priorities to already existing outstanding waitlist requests (on an ad hoc basis). In the case that an air carrier who has made available complete series for reallocation before ERD intends to reclaim such series at a later stage due to changed circumstances related to the COVID-19 pandemic, slots will be allocated subject to capacity available. Carriers are requested to act in accordance with the objectives of the amended Slot Regulation and to provide transparent information about the reasons for reclaiming previously returned series.
- j) Series of Slots allocated after HBD will be allocated on an ad hoc basis and might receive higher priority in the initial allocation of S22 if capacity is available.
- k) Justified Non-Usage of Slots (JNUS).
- o Carriers must provide appropriate information to coordinator justifying the non-usage of slots.
 - o Cancellations because of restrictions set by an authority with no end date are limited to a maximum of six weeks before the scheduled date of operation, with a weekly rolling renewal of one week.
 - o Once an end date for the measure is set, it is left to the discretion of the coordinator to decide until what date the JNUS exception is applied, but not longer than 6 weeks. Decision will be taken after having heard the carrier.
- l) Carriers operating at Level 2 airports are encouraged to cancel without delay flights that they do not intend to operate but not later than 3 weeks before the scheduled date of operation.

Annex 2

Workflow S 21 – EU Proposed alleviation process



¹ERD - EU Return Date before 28th February 2021

²Less than 29 slots per week on average interpreted as carrier holding in its S21 SHL less than 899 slots in total, based on an average 29 weekly slots multiplied by 31 weeks.

Annex 3:

SCA/WG/010/08th February 2021

Carrier holding less than 29 Slots per week in average S21 (31 weeks) at Vienna Airport

Base: HBD 31st January 2021

Carriers mentioned on this list will be entitled to receive full alleviation for S 21 if they return full (complete) slot series in accordance with the amended Regulation.

Airline	Airl.Desig	Airline	Airl.Desig
Aegean Air	A3	Eva Air	BR
Aer Lingus	EI	FedEx Express	FX
Air Arabia	G9	Freebird Airlines	FHY
Air Cairo	SM	Georgian Airways	A9
Air Canada	AC	Hainan Airlines	HU
Air China	CA	Holiday Europe Airlines	5Q
Air Malta	KM	Iran Air	IR
All Nippon Airways	NH	Kuwait Airways	KU
Asiana Airlines	OZ	Norwegian Air Shuttle	DY
ASL Airlines Belgium	3V	Nouvelair	BJ
Belavia	B2	Onur Air	8Q
Blue Islands	SI	Rossiya Airlines	FV
Bulgaria Air	FB	Royal Jordanian	RJ
Bulgarian Air Charter	BUC	Saudi Arabian Airlines	SV
Cargolux Airlines	CV	Tailwind Airlines	TWI
China Airlines	CI	TAP Portugal	TP
China Southern Airlines	CZ	Tarom	RO
Corendon Airlines	XC	Thai Airways International	TG
CSA Czech Airlines	OK	Tunisair	TU
EasyJet Switzerland	EZS	Ukraine Int. Airlines	PS
Egypt Air	MS	UPS Airlines	UPS
El Al	LY	UTAir Aviation	UT
Emirates	EK	Volotea SL	VOE
Etihad Airways	EY	Vueling Airlines	VY

Carriers not mentioned on this list are holding more slots than mentioned in the amended Regulation and will be entitled to receive alleviation for S 21 for 50 % of their Slot holding if they return full (complete) slot series in accordance with the amended Regulation.

This list may be changed if necessary at any time without further notice.