

EUACA GUIDANCE: JNUS according to Art. 10 para. 4 (e) EU Slot Regulation

1. Introduction

The amended EU Slot Regulation No 95/93 under Article 10 para. 4 (e) includes additional COVID-19 related provisions for the Justified-Non-Use-of-Slots (JNUS). These provisions will continue to apply also for the Winter Season 2021. The provision lists certain public measures which “significantly impact the viability or possibility of travel or the demand on the routes concerned”. EUACA understands the provision to be non-exhaustive, i.e., other measures, although not expressly mentioned, may equally qualify as measures justifying exemption from the use-it-or-lose-it rule. With the present Guidance EUACA members basically agree in which cases JNUS is to be granted and for which period of time.

2. Interpretation and application

a) EUACA considers the following measures to constitute measures within the meaning of Article 10 para. 4 (e) (i) to (iii) EU Slot Regulation, be it that these measures are expressly named in the provision or that the provision can be read as to include these measures:

- Quarantine requirement for passengers
- Quarantine requirement for crew members
- Travel bans for certain countries/nationals of certain countries
- Only essential travel allowed
- Limitation on number of passengers per flight
- Limitation of frequencies per air carrier
- Reduced terminal capacity (due to COVID-19 measures if demonstrated significant impact on “the viability or possibility of travel”)
- Curfew / movement restriction at either end of the route.
- Lockdown at either end of the route.

b) The granting of JNUS for further measures potentially falling under Art. 10 para. 4 (e) EU Slot Reg. (e.g. only fully vaccinated passengers allowed to enter a country) may be subject to proof that specific criteria are met, being relevant particularly for the assessment whether the respective measures “significantly impact the viability or possibility of travel or the demand on the routes concerned.” EUACA Coordinators on both ends of the route should try to come to an aligned position and procedure.

c) Pursuant to Article 10 para. 4 (e) subparagraph 1 EU Slot Regulation JNUS “shall apply within the period during which the measures referred to in that point apply and (...) for an additional period of up to six weeks.”

Since the volatile pandemic situation leads to uncertainties about the actual duration of measures within the meaning of Article 14 para. 4 (e) EU Slot Regulation, Coordinators will grant JNUS on a six-week rolling basis.

Remark: air carriers are advised to contact the relevant slot coordinators if they have questions on the general application of JNUS.

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