

EUACA guidance for S20 related to the recently adopted waiver of the use-it-or-lose-it rule (EU Regulation 2020/459)

April 1st, 2020

EU Regulation 2020/459 amending the EU Slot regulation 95/93 came into force today.

This Regulation gives a waiver to the so-called use-it-or-lose-it rule until the end of the Summer 2020 season.

This paper provides EUACA members' guidance on how they will implement this piece of EU Regulation and particularly its Article 10(a) paragraph 3: ***"In respect of slots with a date later than 8 April 2020, paragraph 1 shall only apply where the relevant unused slots have been made available to the coordinator for reallocation to other air carriers."***

As already indicated by EUACA in its previous communication dated March 26th, 2020, airlines **must** return slots which they cannot or will not use, as soon as possible. Airlines should endeavor to return slots as soon as possible, once the decision is made not to use a respective slot. This will allow those returned slots to be reallocated, for ad hoc use, without accruing grandfather rights (recital 7 of the "Waiver Regulation" 2020/459).

The date of 8 April 2020 indicated in Article 10(a)3 is one week from the amended Regulation coming into force. This now legally requires carriers to ensure all slots that are dated for operation 9 April onwards, must be returned **in advance** to the coordinator **in order for the COVID19 use-it-or-lose-it rule alleviation to be granted**, i.e. in order for those slots to be regarded operated as allocated.

However, the "Waiver Regulation" does not require an airline to hand back its entire seasons' cancellations by this date. Airlines are nevertheless urged to return their slots and coordinate all types of changes to their schedules such as changes of aircraft type, service type or destination as they normally do with the relevant coordinator, schedule facilitator or data collection agent as soon as their plans are known to facilitate ad hoc use of this capacity, inform airports, ANSPs, and service providers such as handling agents, of their intention.