

NORWAY

SLOT RELIEF MEASURES FOR S21 DUE TO THE COVID-19 CRISIS – EU AMENDING REGULATION

The European Union has decided to amend the current EU Slot Regulation 95/93. This amending regulation was published in the EU Official Journal 19 February 2021 and aims at introducing some relief measures in the slot coordination process of S21 (and possibly beyond) at the EU airports, due to the crisis related to the COVID-19 pandemic. These measures include the introduction of a temporary relief of the use-it-or-lose-it rule during S21.

Due to the EEA (European Economic Area) Agreement, Norway are obliged to follow the EU Slot Regulation, which is incorporated into Norwegian Law.

The main elements in this revised regulation, and that are related to these alleviation measures in S21, are detailed here below.

1. Carriers will receive **full alleviation** (i.e. exemption of the application of the slot usage rule) for those complete historic slot series that are handed back before 8 days after the date of entry into force of the amended EU Regulation (the so-called ERD deadline i.e. before Saturday 27th Feb 22:59 h UTC). Historic slot series should be understood as those slot series that were granted historic precedence in the S21 SHLs.
2. Those air carriers that were allocated 29 or more slots per week on average in S20 at the airport concerned would benefit of the full alleviation above but only **up to a limit of 50%** of the number of slots that the air carrier was allocated in S20.
3. For the slot series remaining (historic and/or newly allocated), a **slot usage threshold of 50%** (i.e. the so-called 50:50 rule) would apply. The baseline used for the calculation of this slot usage rate remains on the S21 HBD (31st January).
4. Carriers would be **exempted** from the 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 (equivalent to that one in the WASB recommendation).
5. Airlines would be required to return slots **at least three weeks in advance** of the date of operation to avoid any sanction by the responsible national authorities.

For the interpretation and application of the above provisions, ACN will follow the EUACA guidance, as it is published in the EUACA website:

<https://www.euaca.org/FNewsDetail.aspx?id=404&popup=1>

In addition to this EUACA guidance, please be informed that ACN will consider the following conditions and/or criteria when applying these slot relief measures at the Norwegian airports:

- a. ACN will provide **full alleviation** to all those complete historic slot series that could have been handed back already **since after the HBD (31st January) and until the so-called ERD**), whenever they remain below the limit of 50% of the number of slots that the air carrier was allocated in S20 (when this limit is applicable).
- b. ACN will apply the slot usage rule of 50:50 to all those slot series remaining allocated at ERD. However, as the baseline used for the calculation of this slot usage rate remains on the S21 HBD (31st January), then any cancellation of slots after HBD will count against this usage rate (unless any justification for the non-utilization applies).

Also, whenever the slot series complies with the 50:50 usage rule, any schedule change in the slot series that may have been requested after HBD (e.g. flight number, type of service, time, etc.) will be considered as an ad-hoc change and will not have any impact on the historic precedence of the series for S22. Therefore, slot series will be eligible for historic **at the times and with the schedule data held at HBD**.

- c. (Complementary to point 3-c of EUACA guidance): To preserve the objectives of the amended Slot Regulation, ACN will suspend the full alleviation of those complete historic slot series that have been returned before ERD and that are reclaimed **within the following 6 weeks after the series was cancelled**, unless the carrier provides transparent information that may justify that this reclaim is due to changed circumstances related to the COVID-19 pandemic.
- d. (Complementary to point 3-j of EUACA guidance): Those slot series that can be newly allocated after HBD (therefore, on an ad-hoc basis), and that meet the 50% usage requirement, will be recognized as historic in the S22 SHLs with the action code 'T' (i.e. subject to slot availability), **providing that the same air carrier has not received full alleviation for any other slot series allocated in the same airport on the same day**.
- e. (Complementary to point 3-k of EUACA guidance): Once an end date for the travel restriction is set or once the travel restriction is lifted, ACN will continue applying the JNUS exception **for an extended period that will depend on the type of market and that may range between 2 and 6 weeks**. Decision will be taken after having heard the carrier concerned and will be communicated in a timely manner.
- f. (Complementary to point 3-l of EUACA guidance): ACN will extend the EU slot alleviation provisions, and the above criteria also, to **all Schedules Facilitated (Level 2) airports in Norway**.

In case your airline needs any further clarification or any additional information on this matter, please do not hesitate to contact us.
