Draft Regulations laid before Parliament under paragraph 1a of Article 13 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

CIVIL AVIATION

The Airports Slot Allocation (Alleviation of Usage Requirements) Regulations 2022

Made - - - -	*2022*
Coming into force - -	*26th March 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by Article 10aa and paragraph 3 of Article 13 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports(**a**).

In accordance with paragraph 1a of Article 13 of that Regulation, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State considers that, as a result of severe acute respiratory syndrome coronavirus 2, there has been a reduction in the level of air traffic in a period compared to the corresponding period in a relevant previous year, and that the reduction is likely to persist.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Alleviation of Usage Requirements) Regulations 2022 and they come into force on 26th March 2022.

(2) These Regulations extend to, and apply in relation to airports located in, England and Wales and Scotland.

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(n) (definition of 'required percentage'), after "26 March 2022;" insert—

"— 70 %, in the case of slots with a date falling within the scheduling period from 27 March 2022 until 29 October 2022;".

(3) In Article 10 (slot pool), at the end of paragraph 4(e) insert—

";

(**a**) EUR 1993/95, amended by section 12 of the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12) and by S.I. 2019/276, 2021/100, 2021/185 and 2021/1200.

(f) in relation to slots with a date falling within the scheduling period from 27 March 2022 until 29 October 2022, government-imposed measures related to severe acute respiratory syndrome coronavirus 2 which meet all of conditions (i) to (iv) 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; and

(iv) any one or more of the following applies:

— the measures are in effect at the date the slots are due to be operated;

— the measures were in effect a maximum of three weeks before that date; or

— the measures were in effect more than three weeks before that date, the government imposing the measures made an official announcement relating to their duration which made it reasonable to expect that they would remain in effect until that date, and the air carrier made the slots available to the coordinator for reallocation.".

(4) In Article 14 (enforcement), in paragraph 6(c), after "26 March 2022;" insert—

"— 30 %, in the case of slots with a date falling within the scheduling period from 27 March 2022 until 29 October 2022;".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in the field of aviation, relating to the allocation of slots at congested airports. They amend Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports ("the Regulation"), to make provision about the allocation of airport slots to air carriers in respect of specified periods, as a result of a reduction in the level of air traffic as a result of COVID-19.

Under Article 8(2) and 10(2) of the Regulation, air carriers are generally required to return airport slots to the slot coordinator at the end of the scheduling period for which they were allocated, unless they operated the series of slots for at least 80% of the time or the non-utilisation can be justified on the basis of certain reasons listed in Article 10(4).

These Regulations make two changes in relation to slots allocated for the scheduling period which runs from 27th March 2022 to 29th October 2022, which will affect reallocation of the same slots for the equivalent period from March 2023 to October 2023:

— the required percentage usage rate is reduced from 80% to 70% (and the allotted point during the series validity at which the slot coordinator can withdraw the remaining slots if no slots of that series have been used is correspondingly increased from 20% to 30%);

— the list of reasons on the basis of which non-utilisation of slots can be justified, which appears in Article 10(4) of the Regulation, is expanded to include certain government-imposed measures related to COVID-19 which severely reduce the viability of, or demand for passenger travel on, the route in question.

A full impact assessment has not been produced for this instrument as it makes provision which is to have effect for a period of less than 12 months. An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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