
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 three changes in relation to slots allocated for the scheduling period which runs from 31st October 2021 to 26th March 2022, which will affect reallocation of the same slots for the equivalent period from October 2022 to March 2023:

- the required percentage usage rate is reduced from 80% to 50% (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 50%);
- a new paragraph 2a is added in Article 10 of the Regulation, enabling an air carrier also to retain rights to a series of slots if it returned the complete series to the slot coordinator for reallocation on or before 7th September 2021;
- 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.

Regulation 2(3)(a) and (5) make minor consequential amendments to Articles 8(2) and 10a(3).

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.