



AGREEMENT TO SUSPEND THE “USE IT OR LOSE IT” RULE FOR THE SUMMER 2009 SCHEDULING PERIOD

On 7 May 2009 the European Parliament adopted an amendment to the EU Slot Regulation (EEC) 95/93 to suspend the “use it or lose it” rule for the summer 2009 scheduling period. After confirmation by the Council of the European Union it will enter into operation soon.

The amendment states that:

For the purposes of Article 10(2), coordinators shall accept that air carriers are entitled to the series of slots for the summer 2010 scheduling period that were allocated to them at the start of the summer 2009 scheduling period in accordance with the Regulation.

The start of the summer 2009 scheduling period was 29 March 2009.

In order to contribute to a harmonized implementation of the amended EU Slot Regulation (EEC) 95/93 and bearing in mind the objective of making most efficient use of airport capacity, the EUACA is providing the following guidance in response to queries on the matter:

1. Airlines that wish to claim relief from the “use it or lose it” rule on the basis of the current economic crisis should inform the coordinator so that slots may be protected.
2. When re-allocating slots returned on the basis of point 1, the coordinator will advise the airline receiving the slots that they may be available on a non-historic basis only.
3. Airlines should not claim relief from the “use it or lose it” rule if they do not intend to resume operations in summer 2010. If, following a dialogue between the coordinator and the airline, it is clear that services cancelled for summer 2009 will not be resumed then the slots must be returned to the pool for reallocation on an historic basis.
4. Airlines must cancel any slots that they do not intend to operate prior to the date of operation.

No decision has been taken about extending relief to the winter 2009/10 scheduling period. The Commission could make a proposal to renew the relief arrangements should the economic situation continue to deteriorate prior to the winter 2009/10 scheduling period. Such a proposal should be preceded by a full impact assessment analysing its possible effects on competition and consumers and should be made only if it forms part of a proposal for a general revision of Regulation (EEC) 95/93.

Airlines should make their own assessment of the likelihood of these conditions being met and that relief is extended into the winter season.

Any specific queries regarding the application of the amendment should be directed to the coordinator responsible for the airport concerned.

Michiel van der Zee
Chairman – EUACA
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