

## EUACA GUIDANCE: JNUS according to Art. 10 para. 4 (e) EU Slot Regulation

### 1. Introduction

The amended EU Slot Regulation No 95/93 (“Slot Regulation”) under Article 10 para. 4 (e) includes additional COVID-19 related provisions for the Justified-Non-Use-of-Slots (“JNUS”). These provisions will continue to apply also for the Winter Season 2021 and the Summer Season 2022.

These provisions list certain public measures which have a “significant impact on the viability or possibility of travel or the demand on the routes concerned”. EUACA understands the provisions to be non-exhaustive, i.e., other measures, although not expressly mentioned, may equally qualify as measures justifying exemption from the use-it-or-lose-it rule. With the present Guidance EUACA members basically agree in which cases JNUS is to be granted and for which period.

When applying the COVID-19 related JNUS exemptions for intra-EU routes, European slot coordinators allocating slots under the Slot Regulation (“coordinators”) will strive for a uniform approach and application. Air carriers may immediately contact the coordinators concerned when different interpretation or application of JNUS exemptions occurs at both ends of a route

### 2. Interpretation and application

- a) EUACA considers the following measures may constitute measures within the meaning of Article 10 para. 4 (e) (i) to (iii) EU Slot Regulation, be it that these measures are expressly named in the provision or that the provision can be read as to include these measures:
- Quarantine requirement for all passengers unless quarantine can be avoided by a COVID-19 test or proof of recovery.
  - Quarantine requirement for passengers arriving from countries applying vaccines not authorised by the EU (European Medicines Agency - EMA) and/or the respective country of the coordinator; unless quarantine can be avoided by a COVID-19 test or proof of recovery
  - Quarantine requirement for crew members unless quarantine can be avoided by a COVID-19 test or proof of recovery
  - Travel bans for certain countries/nationals of certain countries
  - Only essential travel is allowed
  - Limitation on number of passengers per flight
  - Limitation of frequencies per air carrier
  - Reduced terminal capacity at either end of the route (due to COVID-19 measures if demonstrated significant impact on “the viability or possibility of travel”)
  - Curfew / movement restriction at either end of the route.
  - Lockdown at either end of the route.
- b) The granting of JNUS for further measures potentially falling under Art. 10 para. 4 (e) EU Slot Reg. (e.g. only fully vaccinated passengers allowed to enter a country) may be subject to proof that specific criteria are met, being relevant particularly for the assessment whether the respective measures “significantly impact the viability or possibility of travel or the demand on the routes concerned.” EUACA Coordinators on both ends of the route should try to come to an aligned position and procedure.

Air carriers should contact the coordinator as soon as possible after a flight is cancelled or is not operated due to COVID-19 related reasons that could not be anticipated and avoided by taking reasonable measures to demonstrate that the reason of the cancellation was beyond the air carrier's control and confirm if the cancellation/non-operation of the flight can be regarded as JNUS. Such cancellations will be evaluated on a case-by-case basis by the coordinator with appropriate consideration for the specific circumstances being taken.

- c) Pursuant to Article 10 para. 4 (e) subparagraph 1 EU Slot Regulation JNUS "shall apply within the period during which the measures referred to in that point apply and (...) for an additional period of up to six weeks (in this document referred to as "recovery period").

The recovery period will start from the day following the end-date of the measure for which JNUS had been granted.

Unless otherwise agreed between the coordinators responsible at both ends of the route, coordinators may apply the following table when determining the recovery period:

<b>Duration of the COVID-19 measure</b>	<b>"Recovery" period added once the measure ceases to apply</b>
<b>&lt;3 weeks</b>	<b>1 week added</b>
<b>3 weeks</b>	<b>2 weeks added</b>
<b>4 weeks</b>	<b>3 weeks added</b>
<b>5 weeks</b>	<b>4 weeks added</b>
<b>6 weeks</b>	<b>5 weeks added</b>
<b>More than 6 weeks</b>	<b>6 weeks added</b>

Since the volatile pandemic situation leads to uncertainties about the actual duration of measures within the meaning of Article 14 para. 4 (e) EU Slot Regulation, Coordinators will grant JNUS on a six-week rolling basis.

For the re-opening of the largest extra-EU markets, wherever feasible, European slot coordinators will agree on a common effective end-date of JNUS (including a recovery period).

**Remarks:**

- Coordinators should inform air carriers on the criteria they apply to grant JNUS. Information should be provided on request or published on coordinator's websites.
- Air carriers are advised to contact the relevant slot coordinators if they have questions on the general application of JNUS.

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