

# DETERMINATION OF HISTORIC PRECEDENCE

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## LOCAL GUIDELINES SLOT COORDINATION SWITZERLAND

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## Document History

VERSION	DATE	AUTHOR	DESCRIPTION/CHANGES	VALIDITY
<b>1.0/2019</b>	29/07/2019	RH/PD	Initial document	as per IATA summer period 2020
<b>1.1/2020</b>	20/12/2020	RH	IATA WSG replaced by WASG	with immediate effect
<b>1.2/2022</b>	01/08/2022	RH	Change of art. 3.2 (WASG 8.7.2.2 no longer applied)	as per IATA winter period 2022

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### 1. Introduction

This document sets the guidance for the determination of historic precedence in accordance with the EU Slot Regulation (Regulation 95/93 as amended by Regulation 793/2004) and the Worldwide Airport Slot Guidelines (WASG). It is intended as general advice to air carriers on common issues of best practice. It does not purport all possible scenarios and circumstances. Air carriers are advised to contact the coordinator in case of uncertainty.

### 2. Eligibility for Historic Precedence

- 2.1 To be eligible for historic precedence in the next equivalent season, slots must be:
- A series of at least **five slots** requested and cleared at the same time and on the same weekday.
  - Used for the operation of **scheduled or programmed non-scheduled services**.
  - **Operated as cleared** by the coordinator for **at least 80%** of the time during the period allocated.
  - **Not operated repeatedly and intentionally** at either a **significantly** different time or in a **significantly** different way than originally requested and allocated.
- 2.2 A series of slots is defined by weekday, so a daily service is considered as one series of Mondays, one series of Tuesdays, etc. The 80% usage rule is applied to each weekday separately.

### 3. Determination of 80% Target

- 3.1. The 80% usage of a series of slots is measured against the number of slots and series held at the relevant “Historics Baseline Date” on 31 January (summer season) or 31 August (winter season) at 23:59 hours UTC, or on the date and time first allocated, whichever is later.
- 3.2. Cancellations before Historics Baseline Date**
- 3.2.1. Any cancellation will create separate periods. Only periods of **series** held at “Historics Baseline Date” will be eligible for determination. Note: WASG article 8.7.2.2 does not apply.
- 3.2.2. Periods of series recognizable as the **same service** will result in one combined period for the calculation of the 80/20 usage rule.
- 3.3. Cancellations after Historics Baseline Date**
- Cancellations or non-operations after the “Historics Baseline Date” do **not** count towards the 80% usage unless they can be justified under Article 10(4) of the EU Slot Regulation.

#### 4. Changes after Historics Baseline Date

- 4.1. Changes of both the **time and service details** of 5 or more consecutive weeks will create a new series for this service which might be eligible for later historic precedence. The period and eligibility of the original service will be reduced respectively.
- 4.2. A **time change** of 5 or more consecutive weeks might create separate periods as multiple schedule fragmentation can force alignment of periods on the SHL to match the actual allocated series.
- 4.3. Single date (ad hoc) changes of both the **time and service details** do **not** count towards the 80% usage of the series. This is to prevent air carriers attempting to circumvent the 80% usage rule by „sharing“ flights.
- 4.4. Single date (ad hoc) time changes of more than 15 minutes will **not** count towards the 80% usage of the series.
- 4.5. For repetitive single date (ad hoc) changes forming a subsequent new series para 4.2 will be applicable.

#### 5. Counting Operations

- 5.1. Actual operations automatically count towards the 80% usage when they operate within the following times of the allocated slot:
  - Arrivals: 2 hours early to 3 hours late
  - Departures: 30 minutes early to 3 hours late
- 5.2. Flights postponed to the next day must request a new slot and do **not** count towards the 80% usage.
- 5.3. Actual operations in connection with operational diversions (weather, technical etc.) continue to count towards the 80% usage of the series even if operated as new service at another time.
- 5.4. In the case of ad hoc time changes, slot performance is measured against the new time.

#### 6. Repeated and Intentional Slot Abuse

- 6.1. A series of flights is considered to have a potential slot performance issue if its average actual time falls outside of a slot tolerance range by a statistically significant amount. The slot tolerance ranges are:
  - Arrivals: 20 minutes early to 30 minutes late
  - Departures: 10 minutes early to 30 minutes late
- 6.2. The slot tolerance ranges are not a licence for intentional abuse within these bands. They are intended as filters to distinguish potential slot abuse from normal operational variability. Evidence of intentional off-slot operations within these tolerances is still considered slot abuse.
- 6.3. Having identified a potential slot performance issue, the coordinator will contact the air carrier concerned seeking an explanation. The air carrier is expected to respond to the enquiry within 5 working days. If an adequate explanation is not forthcoming, the coordinator may seek the assistance of the airport's Slot Performance Working Group.
- 6.4. An air carrier's historic precedence to the series of slots is at risk where there is evidence of intentional abuse, or where the air carrier fails to provide the coordinator with adequate information to determine intentional abuse or provides false or misleading information. Article 14(4) of the EU Slot Regulation permits the coordinator to withdraw a series of slots for the remainder of the scheduling period after having heard from the air carrier concerned and issued a single warning.
- 6.5. The coordinator may use whatever additional information is available to determine intentional slot abuse, such as published/ticketed times, ground handling requests, flight plan information, or comparisons with the slot times at the other end of the route.
- 6.6. An air carrier's historic precedence to the series of slots is at risk where an air carrier repeatedly operates a different aircraft type from that allocated in breach of the airport capacities, such as terminal or stand capacity. Article 14(4) also applies in these circumstances.

## 7. Justifications for Non-Utilisation of Slots

- 7.1. Article 10(4) of the EU Slot Regulation provides for limited circumstances where non-utilisation of slots can be justified.
- 7.2. Each justification must be considered on its own merits. Justifications are subject to a general test of reasonableness that:
  - The circumstances are genuinely beyond the air carrier's control and could not have been anticipated or mitigated.
  - The volume and duration of the cancellations are proportionate to the circumstances.
  - The air carrier has sought to recover normal operations as soon as possible.
  - The air carrier has no feasible alternative uses for the slots.

*Air carriers must inform the coordinator of any non-utilisation of slots they believe is justified in advance where possible or immediately after the event. Claims should not be left until the determination of historic precedence at the end of the season. Non-utilisation generally cannot be justified where the air carrier fails to operate without cancelling in advance where it is practical to do so. Non-utilisation of a complete series of slots generally cannot be justified where the slots are newly allocated from the pool and the air carrier has never operated those slots.*

## 8. Allocations on Non-Historic Basis

- 8.1. Slots may become available due to circumstances where the original slot holder will nonetheless retain historic precedence in the next equivalent season. This situation can arise where the cancellation is justified under Article 10(4) or where the cancellation, or combination of cancellations, is less than 20% of the original series of slots.
- 8.2. In order to make use of scarce airport capacity, the coordinator may offer these slots to other air carriers on a non-historic basis. The coordinator will inform the air carrier of the slots status at the time of the offer, and in accepting the offer the air carrier acknowledges that the slots are not eligible for historic precedence in the next equivalent season.

## 9. Data used for Slot Monitoring

The actual flight data used for slot monitoring is supplied by the airport management body based on flight details and times recorded by the airport and ATC and are based on the block on / block off times.

## 10. Date Adjustments for New Season

- 10.1. Historic precedence is determined in relation to the dates of the new season. The start and end dates of the series are adjusted to the nearest equivalent dates on the same day-of-week in the next equivalent season. For calendar reasons, this will be one day earlier, or two days earlier following a leap year.
- 10.2. When the number of weeks in a season changes, series of slots with start and/or end dates at the beginning or end of the season are adjusted to the new season boundaries.
- 10.3. For calendar reasons, when seasons become longer an extra week appears at the end of the season, and when they become shorter a week is lost at the beginning of the season.