

# Air transport: slots at Community airports and competition (amend. Regulation (EEC) No 95/93)

2001/0140(COD) - 15/11/2007 - Follow-up document

The European Commission has presented a Communication on the application of Regulation (EC) 793/2004 on common rules for the allocation of slots at Community airports.

On 23 January 2007, the Commission launched a consultation exercise to obtain interested parties' comments on the operation of the regulation. The following picture emerges from the contributions:

- Member States, as well as other stakeholders, point at the fact that Regulation 793/2004 has been in force for only three years. This relatively short period makes it difficult to identify firm trends and to make a reliable assessment of the effects;
- air carriers point at the main problem that lies at the heart of the current shortage of slots at congested airports, namely the lack of airport capacity. Rather than addressing the symptoms, such as the scarcity of slots, the air carriers advocate increasing physical airport capacity;
- airports acknowledge the positive results of the Regulation but also point at the necessity to further improve capacity usage by means of additional rules and local guidelines;
- with regard to the process of slot allocation, Member States and all other stakeholders are of the opinion that it has significantly improved, even if it is difficult to measure its effect in terms of efficiency of airport use;
- the obligation for Member States to ensure that sanctions or equivalent measures are available to deal with slot abuse has a significant effect on the behaviour of air carriers;
- the slot coordinators are of the opinion that there is scope for further improvements, notably on the issue of new entrance, local rules and the role and position of the coordinator.

**New entrant:** the new entrant rule does not appear to have been understood by a sufficient number of actors. It seems to have a limited effect on competition at Community airports and on the best use of scarce capacity as it creates a negligible presence at a busy airport, leading to a range of small operations that do not provide effective competition in the market place.

**Role of coordinators:** there are concerns about the coordinator's neutrality and functional independence in coordinated Community airports. Evidence would suggest that the relevant provisions of the Regulation have not yet been implemented in a unified and consistent way in all Member States.

**The process of slot allocation:** the absence of a common definition of the idea of efficient use of airport capacity makes it difficult to evaluate the effects of the revised regulation. Local guidelines have the potential to add more flexibility to adapt to local circumstances to allow for better use of the existing slots at congested airports, provided they comply with the provisions of the Regulation.

**Enforcement:** Air carriers welcome the significant progress that has been made by requiring that effective, proportionate and dissuasive sanctions or equivalent measures are applied to prevent abuse of the slot allocation mechanism. The effects thereof are not quantified, however. The introduction of dissuasive sanctions or equivalent measures to prevent slot abuse has fostered better use of existing capacity.

**Conclusion:** although the Regulation has brought some improvements in use of airport capacity, it is not adequate to address the increasing congestion at Community airports. Implementation of the measures set out in the Commission Communication "An action plan for airport capacity, efficiency and safety in

Europe" , adopted in January 2007 (see [INI/2007/2092](#)), is needed to achieve a more efficient use of scarce airport capacity possibly accompanied by a more structured approach to market based slot allocation schemes.

The Commission will now have to concentrate on assuring adequate implementation of a number of issues with which stakeholders have experienced particular difficulties. Furthermore, the Commission concludes that the existing Regulation can be improved through an interpretative instrument where the scope of a number of provisions would be clarified. The Commission could envisage a partial review of the text should this prove to be necessary.