

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

2001/0140(COD) - 30/04/2008 - Follow-up document

The purpose of this Communication is to set out the Commission's concerns and views regarding the application of provisions for the allocation of slots at Community airports. The new provisions, set out in the Regulation on common slots at Community airports, relate to: new entrants; enforcement; and the independence of the coordinators. Although this has resulted in some improvements (sanctions to prevent slot abuse at coordinated airports, which has resulted in a better use of existing capacity), both the Member States and stakeholders report that a number of provisions are still not fully or completely implemented. This conclusion is underpinned by a Commission Report on the application of slot Regulations. The main problems, as found in the report are:

- An insufficient application of provisions obliging the Member States to guarantee the functional and financial independence of the coordinators at coordinated airports. This could impede the coordinator's ability to function in a neutral, non-discriminatory and transparent manner.
- A continuing lack of full transparency regarding information that coordinators should provide regarding schedules, allocation and available slots. This could hinder a more efficient use of slots and distort competition given that not all interested parties have access to the schedule data.
- The non-compliance of provisions regarding local guidelines for the better use of existing slots at coordinated airports.
- The exchange of slots by air carriers at congested Community airports for monetary and other consideration.
- The need for greater consistency between slots and flight plans in order to avoid slot abuse and to guarantee compliance with the Regulation.

Independence of the coordinator: An independent coordinator is essential. The Commission is of the view that functional separation means that the coordinator should act autonomously from, not be instructed by, and not have a duty to report back to, the airport managing body, a service provider nor any air carrier operating from the airport concerned. This should also mean that the coordinator is financially independent from any single party directly affected by, or having an interest in, its activities. Separate accounts and budgets should, therefore, be kept.

New Entry: To recall, the Regulation specifies that 50% of slots must first be allocated to new entrants, unless requests by new entrants are less than 50%. Questions have been raised about whether this obligation relates only to the initial allocation from the pool about four months before the start of the relevant summer and winter scheduling seasons, or whether this also applies throughout the scheduling season.

The Commission's response is that neither in Article 10 (6) nor in any other provisions is the scope of this Article limited to the initial allocation of slots prior to each scheduling season. It is therefore of the view that the provisions of Article 10(6) should be applied permanently and continuously, throughout the scheduling seasons.

Transparency of schedule data: Transparent information is essential for ensuring an objective procedure for slot allocation and for guaranteeing that the coordinator acts in accordance with set requirements. The Commission calls on the Member states to ensure that coordinators fully comply with the requirements laid down in Article 4(8) and it calls on the Member States to encourage all coordinators and schedule facilitators to submit their schedule data to the combined database.

Local guidelines: The Commission reminds readers that any environmental concerns that are incorporated in local guidelines must be compatible with Community law. They must also be compatible with Community legislation on intra-Community air routes, which requires that restrictions must be non-discriminatory on grounds of nationality or identity of air carriers and that they must not unduly distort competition between air carriers. Similarly any restrictions concerning noise reduction must comply with EU noise legislation.

Exchange of slots: The Commission remains concerned that the Regulation is still not leading to the most efficient use of slots. It does recognise, however, that exchanges of slots for monetary and other consideration (referred to as secondary trading) is taking place at a number of congested Community airports leading to the creation of additional services on specific routes. Given that there is no clear and explicit prohibition of such exchanges, the Commission does not intend to pursue infringement proceedings against the Member States where such exchanges take place. Should, however, it emerge that for competition or other reasons, revision of the existing legislation is required, the Commission will make an appropriate proposal.

Consistency between slots and flight plans: Experience shows that verification of flight plans against airport slots in particular allocation to general aviation by Air Traffic Management authorities and coordinators rarely takes place in a systematic manner. A consistent approach between requests for single slots and flight plans is increasingly relevant for general and business flights, which by definition, operate unscheduled services often outside the allocated slot bracket or even without having obtained a slot from the slot pool in advance. As a result, these ad-hoc flights may interfere with the proper operation of coordinated airports, where slots tend to reflect flight plans and where air carriers are required to operate in accordance with the slots allocated to them.

To conclude, the Commission hopes that this Communication will stimulate a better use of scarce capacity at coordinated airports. It will continue to monitor the function of the Regulation and may consider whether it is necessary to make a proposal to amend the Regulation.