

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

2001/0140(COD) - 21/04/2004 - Final act

PURPOSE : to clarify the application of the existing regime on a number of different points, including the independent status of coordinators and the functioning of slot allocation procedures. **LEGISLATIVE ACT** : Regulation 793/2004/EC of the European Parliament and of the Council amending Council Regulation 95/93/EEC on common rules for the allocation of slots at Community airports. **CONTENT** : this Regulation highlights that experience has shown that Council Regulation 95/93/EEC should be strengthened to ensure the fullest and most flexible use of limited capacity at congested airports. It is therefore necessary to amend that Regulation and to clarify a number of its provisions. The Regulation stipulates that at a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. It is necessary to specify in detail the role of the coordination committee which is established to advise and mediate in relation to slot allocation. Member State representatives should be invited to meetings of the coordination committee as observers without voting rights. Such observer status should be without prejudice to the possibility that such representatives could chair committee meetings. It is important to ensure that the coordination committee has no power to take decisions that would be binding on the coordinator. The tasks of the coordination committee shall be: a) to make proposals concerning or advise the coordinator and/or the Member State on: - the possibilities for increasing the capacity of the airport or for improving its usage; - the coordination parameters to be determined; - the methods of monitoring the use of allocated slots; - local guidelines for the allocation of slots or the monitoring of the use of allocated slots, taking into account, inter alia, possible environmental concerns; - improvements to traffic conditions prevailing at the airport in question; - serious problems encountered by new entrants; - all questions relating to the capacity of the airport; b) to mediate between all parties concerned on complaints on the allocation of slots. It is also necessary to make clear that slot allocation should be considered as giving air carriers permission to access the airport facilities for landing and taking-off at specific dates and times for the duration of the period for which the permission is granted. The need to develop rules and procedures for coordinating airport and airway slots should be examined. However, in the interest of stability of operations, the existing system provides for the reallocation of slots with established historical precedence ('grandfather rights') to incumbent air carriers. In order to encourage regular operations at coordinated airports it is necessary to provide that grandfather rights relate to series of slots. At the same time, Member States should, when defining capacity parameters, be able to take account of operational and environmental constraints. Concerning the process of slot allocation, the Regulation states that a series of slots are allocated from the slot pool to applicant carriers as permissions to use the airport infrastructure for the purpose of landing or take-off for the scheduling period for which they are requested, at the expiry of which they have to be returned to the slot pool. On slot mobility, slots may be: - transferred by an air carrier from one route or type of service to another route or type of service operated by that same air carrier; - transferred: between parent and subsidiary companies, and between subsidiaries of the same parent company or as part of the acquisition of control over the capital of an air carrier, - in the case of a total or partial take-over when the slots are directly related to the air carrier taken over; - exchanged, one for one, between air carriers. As far as the slot pool is concerned, the coordinator shall set up a pool, which shall contain all the slots not allocated. All new slot capacity shall be placed in the pool. A series of slots that has been allocated to an air carrier for the operation of a scheduled or a programmed non-scheduled air service shall not entitle that air carrier to the same series of slots in the next equivalent scheduling period if the air carrier cannot demonstrate to the satisfaction of the coordinator that they have been operated, as cleared by the coordinator, by that air carrier for at least 80 % of the time during the scheduling period for which they have been allocated. Slots allocated to an air carrier before 31 January for the following summer season, or before 31 August for the following winter season, but which are returned to the coordinator for reallocation before those dates shall not be taken into account for the

purposes of the usage calculation. Slots placed in the pool shall be distributed among applicant air carriers. 50 % of these slots shall first be allocated to new entrants unless requests by new entrants are less than 50 %. The coordinator shall treat the requests of new entrants and other carriers fairly, in accordance with the coordination periods of each scheduling day. Among requests from new entrants, preference shall be given to air carriers qualifying for new entrant status. A new entrant which has been offered a series of slots within one hour before or after the time requested but has not accepted this offer shall not retain its new entrant status for that scheduling period. Slots allocated to one air carrier may be used by other air carrier participating in a joint operation, provided that the designator code of the air carrier to whom the slots are allocated remains on the shared flight for coordination and monitoring purposes. The Member State responsible for a schedule facilitated or coordinated airport shall ensure: - that at a schedules facilitated airport, the schedules facilitator acts under this Regulation in an independent, neutral, non-discriminatory and transparent manner; - the independence of the coordinator at a coordinated airport by separating the coordinator functionally from any single interested party. The system of financing the coordinators' activities shall be such as to guarantee the coordinator's independent status; - that the coordinator acts according to this Regulation in a neutral, non-discriminatory and transparent way. Lastly, the Commission shall submit a report to the European Parliament and the Council on the operation of this Regulation at the latest three years after its entry into force. The report shall address in particular the functioning of the process of slot allocation, slot mobility and slot pools. ENTRY INTO FORCE : 30 July 2004.