

Terms of Reference Heathrow Slot Performance Committee

1. Objective

1.1. To ensure the efficient use of airport capacity and improve operational performance by:

- promoting better adherence to allocated slots;
- combating poor performance;
- reviewing night allocation to ensure it is used within the spirit of the restrictions;
- identifying problematic themes or trends affecting slot performance and operational performance of Heathrow Airport; and
- reviewing operator adherence to capacity reduction when undertaken either by Demand vs. Capacity (DvC) or Local Rule 4 (Heathrow ATM Demand and Capacity Balancing (HADACAB)) processes.

2. Scope

2.1 The Slot Performance Committee (SPC) shall meet to address the following slot performance issues:

- repeatedly operating at a significantly different time than the allocated slot, either consistently or in an erratic way;
- repeatedly operating slots in a significantly different way than allocated and thereby prejudicing airport or air traffic operations;
- reviewing instances of operations without the prior allocation of a slot, except in emergencies;
- repeatedly failing to cancel an allocated slot in advance that is not used;
- excessive or unauthorised use of night quota;
- fluctuations and trends in performance that have a significant impact on the overall performance of the airport and airport community; and
- failure to comply with a capacity reduction request when instigated by Heathrow Airport Limited (HAL) or Local Rule 4.

2.2 The SPC shall provide advice to:

- Airport Coordination Ltd. (ACL) on methods of monitoring the use of allocated slots; and
- HAL on the application of conditions 5.4 and 5.5 of the airport's Conditions of Use.

(The advice of the SPC shall not be binding on ACL or HAL in carrying out their respective duties.)

2.3 The SPC shall consider:

- Heathrow Airport's punctuality/performance;
- Night quota seasonal and pro-rata use;
- Delay en route and in stack; and
- Feasibility issues for forthcoming season.

3. Structure

3.1 The SPC is a sub-committee of the Heathrow Coordination Committee (HCC). The Chair and Secretary of the SPC shall be appointed by HAL.

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3.2 Membership of the SPC shall be made up of representatives of the following organisations:

- HAL;
- ACL;
- National Air Traffic Services (NATS);
- The Heathrow Airport Scheduling Committee (HASC);
- Slot Performance Committee Working Group (SPCWG);
- Airport Operators Committee (AOC).

4. Meetings

4.1 The SPC shall meet regularly during the year at a frequency determined by the SPC but sufficient to ensure the timely review of any slot performance issues.

4.2 Quorum for a meeting of the SPC shall be at least one representative each from HAL, ACL and the HASC.

4.3 The SPC will hear on matters relating to slot performance from the following areas when appropriate:

- ACL;
- HAL;
- NATS;
- SPCWG;
- Runway Scheduling Limits (RSL);
- Flight Operations Performance and Safety Committee (FLOPSC).

4.4 The SPC may invite operators to appear before it to discuss slot performance issues on its own initiative or at the request of ACL, HAL or the SPCWG.

4.5 The SPC shall seek to reach a consensus view and shall not put any matters to a vote. Advice given in accordance with clause 2.2 shall be a fair summary of the feeling of the meeting and of the views of any members who dissent from the majority viewpoint.

4.6 To ensure no attendees are compromised with regard to anti-trust issues, each SPC meeting will start with a reminder of the following legal notice which will also be stated in the agenda for the SPC meeting:

“Only matters relating to slot performance may be discussed during Slot Performance Committee meetings. Attendees should not divulge any competitively sensitive information at such meetings. By way of non-exhaustive example attendees should not share information regarding pricing, costs, route schedules, route charges, aircraft capacity, use of particular aircraft type or a particular aircraft on a route, or any information regarding a carrier’s commercial strategy. To the extent that an operator facing a hearing needs to convey such information to the Slot Co-ordinator, the operator should warn all attendees at the beginning of the hearing so that

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arrangements can be made for any attendees present to leave the meeting whilst such matters are discussed."

5. Slot Improvement Action Plan

5.1 The SPC operates according to the following Slot Performance Improvement Action Plan:

5.2 ACL/HAL will notify the SPCWG of any operator who appears to be performing poorly or exceeding their night slot quota allowance.

5.3 If after consulting with the SPCWG ACL's/HAL's findings are confirmed, the SPCWG will instruct ACL to write to the operator concerned seeking an explanation of the specific instances of apparent poor performance.

5.4 Upon response from the operator (in writing or in person) the SPCWG will analyse whether or not the stated explanations are fair and reasonable.

5.5 Upon either non-response or receipt of a response with explanations that are not considered reasonable, ACL with copy to HAL (in its capacity as Chair of the SPC) will write to the operator warning that the SPC considers the explanations unreasonable or in the event of non-response that failure to conform to allocated slots in the future could lead to injunctive relief being sought through the Mis-use of Slots Enforcement Code.

5.6 The SPCWG may at this point invite a representative of the operator to attend a meeting of the SPCWG to discuss the operator's performance.

5.7 ACL/HAL will continue to monitor the situation and will escalate the case to the SPC if poor performance continues.

5.8 In situations of continued poor performance ACL in consultation with HAL (in its capacity as Chair of the SPC) will write a further letter to the operator concerned informing them that action will be taken without further notice to the operator, unless, with effect from a certain date, the operator complies with the Conditions of Use of the airport and adheres to its allocated slots. This letter should also give the operator the opportunity to tender any further explanations for HAL's consideration.

5.9 Upon failure to conform ACL, following consultation with HAL (in its capacity as Chair of the SPC) may seek injunctive relief or other remedy.