

7 March 2019

Introduction

- 1.1 The Commission for Aviation Regulation is responsible for discharging Ireland's obligations in relation to European rules governing the allocation of slots at Irish airports, as set out in the Slot Regulation.¹ This includes designating airports as Schedules Facilitated or Coordinated, as appropriate. Currently, Dublin Airport is Coordinated, with Airport Coordination Limited (ACL) the appointed Coordinator.
- 1.2 This note is to clarify the position of the Commission for Aviation Regulation in relation to two distinct questions which relate to slots at Dublin Airport, namely:
 - Whether a secondary market for allocated slots is permissible.
 - The process to be followed by the Coordinator when possible slot series misuse has been identified.

Secondary Market

- 1.3 Article 8a(1)(c) of the Slot Regulation provides that allocated slots may be exchanged one-for-one between air carriers. The Commission is aware that the question of whether such exchanges may also include monetary or other consideration has arisen in relation to Dublin Airport. This can be termed a secondary market, as it occurs subsequent to the primary slot allocation process which is set out in Article 8 of the Slot Regulation.
- 1.4 In April 2008, the EU Commission issued Communication COM (2008) 227, on the application of the Slot Regulation.² Section 5 of this Communication notes that the Regulation is silent on the question of exchanges which include monetary or other consideration. It notes further that the *'Commission does not intend to pursue infringement proceedings against Member States where such exchanges take place in a transparent manner, respecting all the other administrative requirements for the allocation of slots set out in the applicable legislation.'*
- 1.5 The Commission for Aviation Regulation is supportive of this view, and believes that such secondary trading may allow for improved allocative efficiency. Consequently we wish to confirm to stakeholders that one-for-one slot exchanges which include monetary or other consideration are permissible at Dublin Airport, provided that this occurs transparently. The appended form must be completed and submitted to ACL for approval. Once approved, ACL will publish the form on its website.
- 1.6 It should be noted that this does not affect the primary slot allocation process in any way.

Slot Series Misuse

- 1.7 It has come to our attention that clarity is needed regarding the process which is followed by the Coordinator when investigating potential ongoing misuse of a series of slots.
- 1.8 On identifying an operation which appears to have operated at times significantly different from the allocated slots, the coordinator will contact the air carrier concerned, providing evidence of the apparent off-slot operations and requesting that the air carrier take corrective

¹<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1993R0095:20090630:EN:PDF>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008DC0227&from=EN>

action.

- 1.9 This correspondence is not a finding that sanctionable (ie repeated and intentional) misuse has occurred, but rather a notification that a continuation (or worsening) of the pattern currently being observed may lead to a finding that such misuse has occurred. The correspondence will warn the carrier that in the event of such a finding, a sanction of up to €3,000 per repeated incident will be applied, or up to €6,000 if the matter goes to court. Such a sanction may encompass the flights set out in the warning, and, should performance not improve, subsequent flights in the series.
- 1.10 This correspondence should be considered a warning as described in CP12/2017.³
- 1.11 Stakeholders should note that this is not a change to the current approach in terms of the frequency or severity of the implementation of sanctions. We only wish to advise stakeholders that when the above warning is received, prompt action to address the issue is required in order to avoid a per-incident sanction.

³ [https://www.aviationreg.ie/fileupload/Slot%20sanctions%20guidelines%20review-%20Oct%202017/Final%20Decision%20Slot%20Sanctions%20Guidelines%20\(with%20appendix\)\(1\).pdf](https://www.aviationreg.ie/fileupload/Slot%20sanctions%20guidelines%20review-%20Oct%202017/Final%20Decision%20Slot%20Sanctions%20Guidelines%20(with%20appendix)(1).pdf)

Airport Coordination Ltd - Slot Swap Request Form



Airport _____ Season _____ Date _____ Time _____

Operator / Flight Number	Arr/Dep	Time Held	Time Req'd	Time after Swap	Date Range: From - To		Days of Operation	Aircraft Type	Aircraft Seats	Routing: Orig Dest / Last Next		Service Type	Terminal

Additional Comments _____

Reason for Swap
 Lease Return
 Sale Temporary
 Permanent Joint Op
 Improvement Only
 Price _____

Airline Authorisation (Please print name)

Airline: _____	Authorised Representative: _____	Signature _____
Airline: _____	Authorised Representative: _____	Signature _____
Airline: _____	Authorised Representative: _____	Signature _____
Airline: _____	Authorised Representative: _____	Signature _____

For ACL to complete
Coordinator Authorisation
 (Please sign and print name) _____ Date _____ Signature _____

Coordinator Comments
