

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.<sup>1</sup> 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.<sup>2</sup> 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

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

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



