

Annex C

How other EU Member states have implemented Article 14.5

A number of countries have introduced national legislation designed to prevent and / or discourage the inefficient use of slots by airlines. Some examples are:

Spain

The most comprehensive national legislation is the Spanish Law 21/2003 (Safety Law). This Law, that replaces most of the content of the former Royal Decree Law 15/2001, outlines, in Articles 49 and 55, an extensive and punitive system of fines applicable at all Spanish airports for airlines for:

- Failing to hand back slots by the industry deadline (Fine Range 6,000-90,000 Euros per series of slots)
- Failing to operate without a cleared slot (Fine Range 3,000-12,000 Euros per flight)
- Regularly operating off slot (Fine Range 3,000-30,000 Euros per flight)

Portugal

Article 4 of Decree Law 52/2003 was changed by Article 15 of Decree Law 208/2004 to state that the following cases are considered serious misconduct/offences:

- Landing or take-off of aircraft in fully coordinated airports without the previous allocation of a slot
- Failure to cancel an allocated slot by the operator with twelve hours prior notice whenever the operator does not intend to use the slot.
- Landing or take off of aircraft in violation of the allocated slot in a coordinated airport except in cases of force majeure.

In addition Article 12 of Decree Law 293/2003 (noise) was changed by article 20 of Decree Law 208/2004 by stating that operations not complying with night restrictions applicable at Lisbon airport are considered serious misconduct

Penalties for all these offences (considered serious misconduct) were recently changed by Article 9 (4) of Decree-law 10/2004. Penalties are between a minimum of 1,000 Euros and a maximum of 250,000 Euros depending upon the situation.

Germany

According to the German Decree to Regulate Slot Coordination which states in section 4, para 1 Nr. 3 of the ("FPKV"), dated 13th June 1994 (BGBl.I.S.1262), failure to return slots by these set dates (i.e. 31st January, 31st August) will be seen by the Federal Office of Civil Aeronautics as an infringement and will be punished by a fine of up to 50,000 Euros."