

EN

EN

EN

COMMISSION STAFF WORKING DOCUMENT

Consultation on the application of Council Regulation (EEC) 793/2004 on common rules for the allocation of slots at Community airports

1. INTRODUCTION

- 1.1. On 21 April 2004 the Council adopted the new Regulation (EC) no. 793/2004 amending Council Regulation (EEC) 95/93 on common rules for the allocation of slots at Community airports. The aim of the revision was to strengthen the Regulation to ensure that scarce capacity of slots at congested Community airports is managed and used efficiently, albeit without modifying fundamentally the current system of slot allocation.
- 1.2. In accordance with paragraph 1 of Article 14a of the Regulation, the Commission is obliged to 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 will particularly address the functioning of articles 8, 8a and 10.
- 1.3. In the context of this consultation process, the Commission services are interested to hear the views and opinions of stakeholders and Member States on the operation of the Regulation.
- 1.4. The Commission intends to convene a meeting with stakeholders and Member States at a date yet to be determined to have a discussion and an exchange of views on the points raised in this Paper.
- 1.5. Stakeholders and Member States are invited to provide comments in writing to this Paper and give replies to the questions put forward. They are requested to identify the questions to which they wish to reply and send their response to the services of the Commission by 15 February 2007 by regular mail to the following address:

European Commission

Directorate-General for Energy and Transport

24 rue de Mot (Office: DM 24 5/85)

B-1049 Brussels

Belgium

Reactions can also be sent by e-mail to: tren-slotallocation@ec.europa.eu.

2. THE LEGISLATION CURRENTLY IN FORCE

- 2.1. Regulation (EEC) 95/93 of 18 January 1993 and Regulation (EC) 793/2004 of 21 April 2004.
- 2.2. The main features of Regulation (EC) 793/2004 include a new definition of the term 'slot', better designation of capacities, the inclusion of new coordination parameters that take full account of operational and other restrictions at an airport and the introduction of enforcement measures.
- 2.3. The definition of a new entrant has been widened in order to allow for more air carriers to qualify for such a status so that they are able to obtain slots at congested airports in order to establish a viable network and competitive critical mass of operations.
- 2.4. The Regulation has also redefined priorities among the slot allocation criteria in order to make them clearer and more transparent as well as more aligned to the IATA Scheduling Guidelines.
- 2.5. Furthermore, regional services are better served by means of slot reservation which is linked to public service obligations and the new entrant status given to those carriers that operate routes to regional airports which gives them priority in the allocation of pool slots.
- 2.6. Sanctions against abuse of the system were introduced in order to accelerate return to the pool of slots which can subsequently be reallocated to air carriers with an interest to make a more efficient use of them.

2.7. **New entrant**

The definition of 'new entrant' has been amended in order to strengthen the provision of air services to regions and on intra-Community routes as well as to increase potential competition at congested Community airports.

Questions

To what extent has the new entrant rule promoted competition on intra-Community routes?

To what extent has the new entrant rule encouraged the development on new routes?

To what extent has the new entrant rule facilitated new entrants in obtaining slots at congested Community airports?

2.8. **The role of the coordinator**

The regulation has assigned the coordinator increased responsibilities and authority to deal with slot abuse. Member States therefore have to ensure that the neutrality and independence of the coordinator is unquestioned.

Questions

How have the Member States ensured that the coordinator is functionally separated from any single party?

How have the Member States ensured that the coordinator acts in a neutral, non-discriminatory and transparent way?

2.9. Process of slot allocation

The provisions with regard to the slot allocation process, as laid down in article 8 of the Regulation, have been strengthened in order to make better use of the existing slots at congested airports, whilst at the same time maintaining compatibility with worldwide procedures.

Question

In what way have the provisions promoted and increased the efficient use of airport capacity?

2.10. Slot mobility

The provisions with regard to the use of slots allocated to new entrants, as laid down in article 8a, have been included in order to ensure that new entrants do not abuse the priority given to them and that they effectively make use of the slots.

Questions

To what extent have the provisions with respect to new entrants encouraged new entrants to apply for slots under the new entrant rule?

To what extent have the provisions with respect to new entrants encouraged new entrants to effectively use the slots for route development in a sustainable manner?

2.11. Enforcement

The enforcement provisions of article 14 have been introduced to maintain the integrity of the slot allocation system. The provisions assign enforcement authority to the Air Traffic Management (ATM) authorities and the slot coordinator and lay down rules that ensure that Member States introduce effective, proportionate and dissuasive sanctions or equivalent measures that prevent slot abuse.

2.12. Questions

To what extent have ATM authorities made use of the power to reject flight plans in case an air carrier intends to make use of an airport without having a slot?

To what extent have slot coordinators made use of the power to withdraw slots from air carriers that repeatedly and intentionally operate air services outside the allocated slot times?

How did Member States introduce measures to deal with slot abuse?