

LOCAL RULE 24

SANCTIONS AGAINST THE LATE HANDBACK OF SLOTS

1. INTRODUCTION

The IATA Worldwide Scheduling Guidelines, paragraph ~~8.56-10.3~~ *Holding and Returning of Slots* states:

Airlines may only hold slots that they intend to operate, transfer, exchange or use in shared operation.

To ensure that scarce capacity is not wasted, airlines must immediately return any slots they know they will not use. Even at short notice, it may be possible to reallocate returned slots to other operators.

In particular, series of slots that an airline does not intend to operate must be returned no later than the Slot Return Deadline dates of 15 January (summer) and 15 August (winter)

Airlines that intentionally return series of slots after the Slot Return Deadline will receive lower priority by the Coordinator during the initial coordination of the next equivalent season.

A list of airlines that return series of slots after the Slot Return Deadline will be maintained and published by the Coordinator.

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~~*Airlines must not hold slots which they do not intend to operate, transfer or exchange, as this could prevent other airlines from obtaining slots. In this context "operate" includes participation in a shared operation.*~~

~~*If an airline becomes aware that for whatever reason it may not be able to use a slot, or series of slots, the airline must immediately advise the coordinator, and return any slots it knows it will not use. Even at very short notice, returned slots can often be reallocated for ad-hoc use. Airlines should maintain a dialogue with the coordinator in such circumstances.*~~

~~*In particular, series of slots that an airline does not intend to operate must be returned no later than the IATA Slot Handback Deadline dates of 15 January (summer) and 15 August (winter). To avoid fragmentation of schedules at the time of the Slot Handback Deadline, public holiday cancellations should, ideally, be made after 15 January (summer) and 15 August (winter), but before the start of the use it or lose it calculation on 31 January (summer) and 31 August (winter).*~~

~~***Airlines that intentionally hold on to slots and return them after the IATA Slot Handback Deadline will be given lower priority by the coordinator for the next equivalent scheduling period. [emphasis added]***~~

This document sets out how the coordinator will apply the sanction of lower priority.

2. APPLICATION OF LOWER PRIORITY

2.1 Where the coordinator deems that an airline has returned, or continues to hold, slots after the IATA Slot Handback Deadline in breach of the provisions of WSG para ~~8.5.36-40.3~~, he will contact the air carrier concerned and give it an opportunity to demonstrate to the satisfaction of the coordinator that the slots had not been intentionally held after the deadline date. The air carrier must demonstrate that the failure to return the slots in a timely manner was due exceptional circumstances beyond its reasonable control.

2.2 For the purposes of para 2.1, the coordinator will give the air carrier a reasonable time period to respond, typically 5 business days.

~~2.3 The coordinator may seek the advice of the Gatwick Airport Scheduling Committee Executive (the Exec) in evaluating any information provided by an air carrier under para 2.1. If the coordinator decides to apply the sanction of lower priority and the air carrier disagrees, then the air carrier concerned may request mediation by the Exec. The Exec will convene a mediation meeting within 3 weeks of such a request. Both the coordinator and air carrier concerned are entitled to attend the mediation meeting. No party may be represented by legal counsel. The coordinator will take account of the advice of the Exec in taking a final decision on the matter.~~

2.34 The sanction of lower priority will be applied at the next suitable opportunity. Typically this will be during the initial coordination of the next scheduling period or next equivalent scheduling period, as the coordinator deems appropriate, where the air carrier concerned makes requests for new or retimed slots. If the air carrier does not request new or retimed slots for this scheduling period, then the coordinator may defer application of the sanction to a future scheduling period.

2.45 Where the sanction of lower priority is applied, the coordinator shall:

- a) Defer consideration of new slot requests made by the air carrier concerned until after the allocation of slots to all other air carriers during the initial allocation of slots for the scheduling period; and
- b) Not accept any requests to retime slots by the air carrier concerned unless such retimes would improve the slots available to other air carriers.