



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0379/2012

15.11.2012

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on common rules for the allocation of slots at EU airports (recast)
(COM(2011)0827 – C7-0458/2011 – 2011/0391(COD))

Committee on Transport and Tourism

Rapporteur: Giommara Uggias

(Recast – Rule 87 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	54
ANNEX: LETTER FROM THE LEGAL AFFAIRS COMMITTEE	57
ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION	59
PROCEDURE.....	61

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on common rules for the allocation of slots at EU airports (recast)
(COM(2011)0827 – C7-0458/2011 – 2011/0391(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0827),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0458/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 28 March 2012¹,
 - having regard to the opinion of the Committee of the Regions of 18 July 2012²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to the letter of 9 May 2012 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0379/2012),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

¹ OJ C 181, 21.6.2012, p. 173.

² OJ C 277, 13.9.2012, p. 110.

³ OJ C 77, 28.3.2002, p. 1.

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The slot allocation system established in 1993 does not ensure the optimum allocation and use of slots and thus of airport capacity. In the context of growing airport congestion and the limited development of major new airport infrastructure, the slots are a rare resource. Access to such resources is of crucial importance for the provision of air transport services and for the maintenance of effective competition. To this end, the allocation and use of slots could be made more effective by introducing *market* mechanisms, by ensuring that the unused slots are made available to interested operators as soon as possible and in a transparent manner, and by reinforcing the underlying principles of the system with regard to the allocation, management and use of the slots. *At the same time, although the historical slots meet the need for stability in schedules for the airlines, during the future assessment of the application of this Regulation, a gradual introduction of other market mechanisms could be envisaged, such as withdrawing and auctioning historical slots.*

Amendment

(4) The slot allocation system established in 1993 does not ensure the optimum allocation and use of slots and thus of airport capacity. In the context of growing airport congestion and the limited development of major new airport infrastructure, the slots are a rare resource. Access to such resources is of crucial importance for the provision of air transport services and for the maintenance of effective competition. To this end, the allocation and use of slots could be made more effective by introducing *slot exchange* mechanisms, by ensuring that the unused slots are made available to interested operators as soon as possible and in a transparent manner, and by reinforcing the underlying principles of the system with regard to the allocation, management and use of the slots. *In addition, it is important that access to hub airports from regional airports be maintained where such routes are essential to the economy of the region in question. Therefore, concerns regarding efficient allocation of slots must continue to be balanced against the need to protect the external benefits of air transport services and in particular the value that they create for European regions.*

Justification

Primary auctioning of slots, as also to a certain extent secondary trading of slots, would benefit larger carriers and would favour more profitable long-haul routes. Until the capacity problem is addressed in a more comprehensive way, this will inevitably be at the expense of European regions' access to hubs and hub economies.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The allocation of slots at congested airports **should** continue to be based on neutral, transparent and non-discriminatory rules.

Amendment

(6) The allocation of slots at congested airports **must** continue to be based on neutral, transparent and non-discriminatory rules.

Amendment3

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The priority given to an air carrier requesting a series of slots in an airport for a nonstop scheduled passenger service between that airport and a regional airport should be abolished, since this situation is already covered by the priority given to an air carrier requesting the allocation of a series of slots for a regular non-stop scheduled passenger service between two Union airports.

Amendment

deleted

Amendment 4

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Situations where, owing to a lack of

Amendment

(12) Situations where, owing to a lack of

available slots, the benefits of liberalisation are unevenly spread and competition is distorted, *should* also be avoided.

available slots, the benefits of liberalisation are unevenly spread and competition is distorted, *need* also *to* be avoided.

Amendment 5

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Non-scheduled air transportation contributes to regional cohesion and competitiveness. Where air carriers have regularly used slots for such transportation at an airport falling within the scope of this Regulation, even where those slots do not always involve the same routes, priority should be given to requests for continued usage of such slots.

Justification

Non-scheduled air transportation plays a role in providing links to and from the less accessible regions of Europe and thus contributes to their development and this needs to be recognised.

Amendment 6

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) The progress made in implementing the Single European Sky has a major impact on the slot allocation process. The imposition of performance plans, which make the airports, the air navigation service providers and airspace users subject to performance improvement and monitoring measures, and the network management function, based on the establishment of a European network of routes and a central air traffic management, means it is necessary to

deleted

update the slot allocation rules. It is therefore necessary to create an adequate framework allowing the network manager, the performance review body and the national supervisory authorities to participate in the procedure of setting the airport capacity and coordination parameters. A new category of airports of importance to this network should also be created with a view to allowing the network to react better in crisis situations.

Amendment 7
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) *The flight plans and the slots should be better matched to better exploit airport capacity and improve flight punctuality.*

Amendment

(14) *In order to optimise available airport capacity, it is necessary to adopt procedures to ensure that flight plans and slots are better matched.*

Justification

The amendment is intended to make the wording clearer.

Amendment 8
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The Member State responsible for the schedules facilitated or coordinated airport should ensure the appointment of a schedules facilitator or a coordinator whose neutrality should be unquestioned. To this end, the coordinators' role should be enhanced. Provision should be made for the legal, organisational, decision-making and financial independence of the coordinators with regard to stakeholders, the Member State and bodies subordinate to that State. To prevent the coordinator's

Amendment

(15) The Member State responsible for the schedules facilitated or coordinated airport should ensure the appointment of a schedules facilitator or a coordinator whose neutrality should be unquestioned. To this end, the coordinators' role *and that of the schedules facilitators* should be enhanced. Provision should be made for the legal, organisational, decision-making and financial independence of the coordinators with regard to stakeholders, the Member State and bodies subordinate to that State.

activity suffering from a lack of financial, technical or human resources or expertise, Member States should ensure that the coordinators have all the resources needed for their work.

To prevent the coordinator's activity *and that of the schedules facilitator* suffering from a lack of financial, technical or human resources or expertise, Member States should ensure that the coordinators have all the resources needed for their work.

Justification

It would seem useful, with a view to creating the position of European coordinator, to clarify and strengthen the role of the coordinators and schedules facilitators. In addition, better interaction between those players will smooth the way for the establishing of a European-scale coordinator.

Amendment 9

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Additional obligations should be introduced for air carriers with regard to sending information to the coordinators. Provision should be made for additional penalties for omitting information or sending false or misleading information. For *network* airports, the air carriers should have the obligation to communicate their flight intentions or other relevant information requested by the coordinator or schedules facilitator.

Amendment

(16) Additional obligations should be introduced for air carriers with regard to sending information to the coordinators *and schedules facilitators*. Provision should be made for additional penalties for omitting information or sending false or misleading information. For *other* airports *with no specific designation*, the air carriers should have the obligation to communicate their flight intentions or other relevant information requested by the coordinator or schedules facilitator.

Justification

It would seem useful, with a view to creating the position of European coordinator, to clarify and strengthen the role of the coordinators and schedules facilitators. In addition, better interaction between those players will smooth the way for the establishing of a European-scale coordinator.

Amendment 10

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The Union should facilitate cooperation between the coordinators and schedules facilitators to allow them to exchange best practices with a view to the establishment of a **European** coordinator in due course.

Amendment

(17) The Union should facilitate cooperation between the coordinators and schedules facilitators to allow them to exchange best practices with a view to the establishment of a **single** coordinator **at European level** in due course, **taking account of progress achieved in the establishment of a Single European Sky.**

Justification

While the idea of a single coordinator at European level is acceptable, it will take time and can only be achieved after the establishment of a Single European Sky.

Amendment 11
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The decision to coordinate an airport is should be taken by the Member State responsible for that airport on the basis of objective criteria. Given the progress made in implementing the Single European Sky and in the network manager function, it is useful to reconcile the methods for evaluating airport capacity to ensure better functioning of the European air traffic management network.

Amendment

(19) The decision to coordinate an airport is should be taken by the Member State responsible for that airport on the basis of objective criteria. Given the progress made in implementing the Single European Sky, **in implementing functional airspace blocks** and in the network manager function, it is useful to reconcile the methods for evaluating airport capacity to ensure better functioning of the European air traffic management network.

Justification

Functional airspace blocks become functional on achievement of the necessary air traffic management network capacity and efficiency within the Single European Sky.

Amendment 12
Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) The period of validity for a series of slots should be limited to the schedule planning period for which the series is granted. The priority for allocating a series of slots, even historical slots, should come from the allocation or confirmation by the coordinator. ***deleted***

Justification

The historical rights are not obtained from the allocation but from the previous use of slots according to the Regulation. The coordinator should only execute the legally defined rules.

Amendment 13
Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The entry into force of this Regulation should be without prejudice to connections between regional airports and major hubs. It would therefore be useful to take the appropriate measures to ensure that remote, outermost and island airports are linked to major European hubs and hence to the worldwide air traffic network.

Justification

There is a justified fear that companies with slots in major hubs will use them principally for long-haul flights to the detriment of remote European areas, which would be deprived of connections with the rest of the worldwide network.

Amendment 14

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) To allow air carriers to adapt to imperative situations of urgency, such as a marked decline in traffic or an economic crisis that severely affects the activity of air carriers, affecting a **larger** part of the scheduling period, the Commission should be allowed to adopt urgent measures to ensure the consistency of measures to be taken at coordinated airports. These measures will allow air carriers to retain priority **for the allocation of** the same series for the following scheduling period even if the 85% rate has not been met.

Amendment

(24) To allow air carriers to adapt to imperative situations of urgency, such as a marked decline in traffic or an economic crisis that severely affects the activity of air carriers, affecting a **larger** part of the scheduling period, the Commission should be allowed to adopt urgent measures to ensure the consistency of measures to be taken at coordinated airports. These measures will allow air carriers to retain priority **in the allocation** the same series for the following scheduling period even if the 80% rate has not been met.

Justification

The change of the globally accepted Use-it or Lose-it rule of 80-20 to the proposed 85-15 will deprive air carriers of the ability to cope with unforeseen events outside their control (weather, ATC delays, technical problems, etc.) which can force them to cancel flights. It is advisable to keep the status quo on this aspect.

Amendment 15

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) This Regulation should allow for the flexibility requirements of business aviation and of charter flights so as to enable non-scheduled flights to be operated, especially in view of the fact that the operators concerned cannot build up a slot portfolio based on historical rights.

Amendment 16

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) *The role of the coordination committee should be strengthened in two ways. On the one hand, the network manager, the performance review body and the national supervisory authority should be invited to follow the committee's meetings. On the other hand, the coordination committee's tasks could include making suggestions or giving advice to the coordinator and/or Member State on any issue concerning the airport capacity, in particular in relation to the implementation of the Single European Sky and the working of the European Air Traffic Management Network. The committee should also be able to provide the performance review body and the national supervisory authority with opinions concerning the link between the coordination parameters and the key performance indicators proposed to the air navigation service providers.*

deleted

Amendment 17

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) Experience shows that a significant number of slots are returned to the pool too late to be reallocated effectively. The airport managing body should be encouraged to use ***the airport charge system to discourage this type of behaviour***. Despite having recourse to ***this mechanism***, the airport managing body should not, however, discourage air carriers from entering the market or developing services.

(26) Experience shows that a significant number of slots are returned to the pool too late to be reallocated effectively. The airport managing body should be encouraged to use ***financial charging schemes and to significantly strengthen the current penalty system in order to dissuade air carriers from engaging in such practices***. Despite having recourse to ***these mechanisms***, the airport managing body should not, however, discourage air carriers from entering the market or developing services.

Amendment 18

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) In order to increase airport capacity, this Regulation should cover the possibility of Member States being able to use the proceeds of the sale of time slots following secondary trading for the purpose of optimising air traffic and developing new infrastructure.

Justification

This amendment emphasises, via a new recital, the possibility introduced by the rapporteur of the proceeds of time slot trading being used to improving and increasing airport capacities.

Amendment 19

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) The application of the provisions of this Regulation ***should*** be without prejudice to the competition rules of the Treaty, in particular Articles 101, 102 and 106.

(28) The application of the provisions of this Regulation ***must*** be without prejudice to the competition rules of the Treaty, in particular Articles 101,102 and 106.

Amendment 20

Proposal for a regulation Recital 30

Text proposed by the Commission

Amendment

(30) The power to adopt ***delegated*** acts should be delegated to the Commission, ***in accordance with Article 290 of the Treaty on the Functioning of the European Union, in order to lay down the methods***

(30) The power to adopt acts ***in accordance with Article 290 of the Treaty on the Functioning of the European Union*** should be delegated to the Commission.

for developing a study on capacity and demand. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment 21
Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) The Commission should, after carrying out consultations, including at expert level, draw up a study on capacity and demand, to be submitted to the the European Parliament and the Council within a year of the entry into force of this Regulation.

Amendment 22
Proposal for a regulation
Article 2 – point 1

Text proposed by the Commission

Amendment

1) ‘slot’ shall mean the permission given by a coordinator in accordance with this Regulation to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on *a* specific *date* and *time* for the purpose of landing or take-off as allocated by a coordinator in accordance with this Regulation;

1) ‘slot’ shall mean the permission given by a coordinator *to an air carrier* in accordance with this Regulation to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on specific *dates* and *at specific times* for the purpose of landing or take-off as allocated by a coordinator in accordance with this Regulation;

Amendment 23
Proposal for a regulation
Article 2 – point 2 – point b

Text proposed by the Commission

Amendment

b) an air carrier requesting a series of slots for a non-stop scheduled passenger service between two European Union airports, where at most two other air carriers operate the same non-stop scheduled service between those airports on that day, and where, if the air carrier's request were accepted, the air carrier would nonetheless hold fewer than nine slots at that airport on that day for that non-stop service.

deleted

Justification

The arrangements for 'new entrants' are designed to spur free and fair competition on the European market. Laying down a special rule on the maximum number of time slots that must be held in order to enjoy the status of 'new entrant' would favour certain carriers. In order to prevent this distortion of competition, one single rule should be applied, regardless of whether the flights are on European or international routes.

Amendment 24

Proposal for a regulation

Article 2 – point 6

Text proposed by the Commission

Amendment

6) 'group of air carriers' shall mean two or more air carriers which together perform joint operations, franchise operations ***or code-sharing*** for the purpose of ***operating*** a specific ***air service***;

6) 'Group of air carriers' shall mean two or more air carriers which together perform joint operations, franchise operations ***or code-sharing, or a consortium in the case of non-scheduled operators***, for the purpose of ***utilising*** a specific ***slot***;

Justification

It is essential that non-scheduled and business aviation operators are able to benefit from the same opportunities offered by the new rules as scheduled operators.

Amendment 25

Proposal for a regulation

Article 2 – point 9

Text proposed by the Commission

Amendment

9) ***'network airport' shall mean an airport which is not confronted with congestion problems but which, in the event of a sudden and significant increase in traffic or in the event of a sudden and significant reduction of its capacity, could have an impact on the functioning of the European air-traffic management network (hereinafter 'the network'), in accordance with Article 6 of Regulation (EC) No 551/2004 of the European Parliament and of the Council;*** *deleted*

Justification

Amendment consistent with the new recital 13: there is no obvious need to introduce a further category of airports alongside coordinated airports and schedules facilitated airports. A data exchange system, however, should be set up to help coordinate airport planning.

Amendment 26

Proposal for a regulation Article 2 –point 13

Text proposed by the Commission

Amendment

13) ***'series of slots' shall mean at least 15 slots for a summer scheduling period and 10 slots for a winter scheduling period requested for the same time on the same day of the week for consecutive weeks and allocated by the coordinator on that basis or, if that is not possible, allocated at approximately the same time;***

13) ***'series of slots' shall mean at least five slots which have been requested for the same time on the same day of the week regularly in the same scheduling period and allocated by the coordinator on that basis or, if that is not possible, allocated at approximately the same time, unless agreed otherwise through a local rule under the conditions referred to in Article 9(8);***

Justification

A series of slots is defined worldwide as a minimum of 5 slots (Worldwide Slot Guidelines). Introducing a different rule in Europe would be impractical given the global nature of aviation. However, under certain specific circumstances, local rules may be applied.

Amendment 27

Proposal for a regulation Article 2 –point 18 a (new)

Text proposed by the Commission

Amendment

18a) 'non-scheduled air service' shall mean a flight which does not meet all the conditions of Article 2(16) of Regulation (EC) No 1008/2008;

Justification

Business aviation has a specific way of operating. Most business aviation operations cannot be included in the concept of "programmed non-scheduled air services". As business aviation is affected by the new Regulation on slots, a new definition is necessary.

Amendment 28

Proposal for a regulation Article 2 – point 19

Text proposed by the Commission

Amendment

19) 'network manager' shall mean the body established under Article 6 of Regulation (EC) No 551/2004;

19) 'network manager' shall mean the **air traffic management (ATM)** body established under Article 6 of Regulation (EC) No 551/2004, **which body shall allow optimum use of airspace and ensure that airspace users can operate preferred trajectories, while allowing maximum access to airspace and air navigation services;**

Justification

Definition taken from Regulation (EC) No 551/2004, Article 6.

Amendment 29

Proposal for a regulation Article 3

Text proposed by the Commission

Amendment

Conditions for airport coordination or

Conditions for airport coordination or

schedules facilitation

1. Member States shall be under no obligation to designate any airport as schedules facilitated or coordinated save in accordance with the provisions of this Article.

Member States shall not designate an airport as coordinated save in accordance with the provisions of paragraph 3.

2. A Member State may, however, provide for any airport to be designated as a schedules facilitated airport, provided that principles of transparency, neutrality and non-discrimination are met.

3. The Member State responsible shall ensure that a thorough capacity and demand analysis is carried out at an airport with no designation status, ***at an airport belonging to the European air traffic management network (hereinafter 'the network')*** or at a schedules facilitated airport by the managing body of that airport or by any other competent body when that Member State considers it necessary, or within six months:

(i) following a written request from air carriers representing more than half of the operations at an airport or from the managing body of the airport when either considers that capacity is insufficient for actual or planned operations at certain periods; or

(ii) upon request from the Commission, in particular where new entrants encounter serious problems in securing landing and take off possibilities at the airport in question, or when the network manager considers it necessary to ensure that the airport's operational plan is consistent with the network's operational plan, in accordance with Article 6(7) of Commission Regulation (EU) No 677/2011.

This analysis shall determine any shortfall in capacity, taking into account

schedules facilitation

1. Member States shall be under no obligation to designate any airport as schedules facilitated or coordinated save in accordance with the provisions of this Article.

Member States shall not designate an airport as coordinated save in accordance with the provisions of paragraph 3.

2. A Member State may, however, provide for any airport to be designated as a schedules facilitated airport, provided that principles of transparency, neutrality and non-discrimination are met.

3. The Member State responsible shall ensure that a thorough capacity and demand analysis is carried out at an airport with no designation status or at a schedules facilitated airport by the managing body of that airport or by any other competent body when that Member State considers it necessary, or within six months:

(i) following a written request from air carriers representing more than half of the operations at an airport or from the managing body of the airport when either considers that capacity is insufficient for actual or planned operations at certain periods; or

(ii) upon request from the Commission, in particular where new entrants encounter serious problems in securing landing and take off possibilities at the airport in question, or when the network manager considers it necessary to ensure that the airport's operational plan is consistent with the network's operational plan, in accordance with Article 6(7) of Commission Regulation (EU) No 677/2011.

This analysis, ***based on commonly agreed and recognised methods***, shall determine

environmental constraints at the airport in question. The analysis shall consider the possibilities of overcoming such shortfall through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems.

The analysis is based on methods determined by a Commission delegated act, in accordance with Article 15 of this Regulation. The methods take account of the requirements of the network operational plan, as required by Annex V to Regulation (EU) No 677/2011.

The analysis shall be updated if paragraph 6 has been invoked, when there are changes at the airport influencing significantly its capacity and capacity usage or at the request of the coordination committee, the Member State or the Commission. Both the analysis and the method used shall be made available to the parties having requested the analysis and, upon request, to other interested parties. The analysis shall be communicated to the Commission at the same time.

4. On the basis of the analysis, the Member State shall consult on the capacity situation at the airport with the managing body of the airport, the air carriers using the airport *regularly*, their representative organisations, representatives of general aviation *using the airport regularly* and air traffic control authorities.

5. The Commission can ask the network manager to deliver an opinion on how the capacity is set in relation to the network operating needs. ***The Commission can make recommendations. The Member State shall give reasons for any decision that does not follow these recommendations. The decision shall be communicated to the Commission.***

6. Where capacity problems occur for at least one scheduling period, the Member

any shortfall in capacity, taking into account environmental constraints at the airport in question. The analysis shall consider the possibilities of overcoming such shortfall through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems.

The analysis is based on methods determined by a Commission delegated act, in accordance with Article 15 of this Regulation. The methods take account of the requirements of the network operational plan, as required by Annex V to Regulation (EU) No 677/2011.

The analysis shall be updated if paragraph 6 has been invoked, when there are changes at the airport influencing significantly its capacity and capacity usage or at the request of the coordination committee, the Member State or the Commission. Both the analysis and the method used shall be made available to the parties having requested the analysis and, upon request, to other interested parties. The analysis shall be communicated to the Commission at the same time.

4. On the basis of the analysis, the Member State shall consult on the capacity situation at the airport with the managing body of the airport, the air carriers using the airport, their representative organisations, representatives of general aviation and air traffic control authorities.

5. The Commission can ask the network manager to deliver an opinion on how the capacity is set in relation to the network operating needs.

6. Where capacity problems occur for at least one scheduling period, the Member

State shall ensure that the airport is designated as coordinated for the relevant periods only if:

(a) the shortfall is of such a serious nature that significant delays cannot be avoided at the airport, and

(b) there are no possibilities of resolving these problems in the short term.

7. By way of derogation from paragraph 6(b), Member States may, in exceptional circumstances, designate as coordinated the airports affected for the appropriate period, which can be less than a scheduling period. By way of derogation from paragraphs 3, 4, 5 and 6, Member States may, in emergency situations, designate as coordinated the airports affected for the appropriate period.

8. If the updated analysis on capacity and demand in a coordinated or schedules facilitated airport shows that this airport has sufficient capacity to meet actual or planned operations, the Member State, after consulting the bodies mentioned in paragraph 4, may change its designation to a schedules facilitated airport or an airport with no designation status.

9. At the request of the Commission, which may act on its own initiative or on the initiative of the network manager, and after consulting the bodies mentioned in paragraph 4, the Member State shall ensure that an airport with no designation status be designated as belonging to the network. The decision shall be communicated to the Commission. If the Commission considers that the airport is no longer of importance for the network, the Member State, after consulting the bodies mentioned in paragraph 4, shall change the designation of the airport to that of an airport with no designation status.

10. If a decision is taken under paragraphs 6, 8 *or* 9, the Member State shall communicate it to the bodies mentioned in

State shall ensure that the airport is designated as coordinated for the relevant periods only if:

(a) the shortfall is of such a serious nature that significant delays cannot be avoided at the airport, and

(b) there are no possibilities of resolving these problems in the short term.

8. If the updated analysis on capacity and demand in a coordinated or schedules facilitated airport shows that this airport has sufficient capacity to meet actual or planned operations, the Member State, after consulting the bodies mentioned in paragraph 4, may change its designation to a schedules facilitated airport or an airport with no designation status.

10. If a decision is taken under paragraphs 6 *or* 8, the Member State shall communicate it to the bodies mentioned in

paragraph 4 no later than 1 April for the winter scheduling period and no later than 1 September for the summer scheduling period.

paragraph 4 no later than 1 April for the winter scheduling period and no later than 1 September for the summer scheduling period.

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At a coordinated or schedules facilitated airport, the Member State responsible shall ensure the determination of the coordination parameters twice yearly, while taking account of all relevant technical, operational, performance and environmental constraints as well as any changes thereto. These constraints shall be notified to the Commission. ***The Commission, if necessary with the aid of the network manager, shall examine the constraints and deliver recommendations which the Member State must take into account before determining the coordination parameters.***

Amendment

At a coordinated or schedules facilitated airport, the Member State responsible shall ensure the determination of the coordination parameters twice yearly, while taking account of all relevant technical, operational, performance and environmental constraints as well as any changes thereto. These constraints shall be notified to the Commission.

Amendment 31

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. The determination of the coordination parameters shall not affect the neutral and non-discriminatory character of the slot allocation.

Amendment

deleted

Justification

No need for the paragraph since the whole Regulation 95/93 is meant to be non-discriminatory.

Amendment 32
Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The Member State responsible for **a network airport**, a schedules facilitated or coordinated airport shall ensure the appointment of a qualified natural or legal person as schedules facilitator or airport coordinator, after having consulted the air carriers using the airport regularly, their representative organisations and the managing body of the airport and the coordination committee, where such a committee exists. The same schedules facilitator or coordinator may be appointed for more than one airport.

Amendment

1. The Member State responsible for a schedules facilitated or coordinated airport shall ensure the appointment of a qualified natural or legal person as schedules facilitator or airport coordinator, after having consulted the air carriers using the airport regularly, their representative organisations and the managing body of the airport and the coordination committee, where such a committee exists. The same schedules facilitator or coordinator may be appointed for more than one airport.

Amendment 33

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point b – point i

Text proposed by the Commission

(i) in legal terms, the coordinator's essential functions, which consist of allocating slots in an equal and non-discriminatory manner, shall be given to a natural or legal person who or which is not a service provider in the airport, an airline operating from the airport or the managing body of the airport in question;

Amendment

(i) in legal terms, the coordinator's essential functions, which consist of allocating slots in an equal and non-discriminatory manner, shall be given to a natural or legal person who or which is not a service provider in the airport, an airline operating from the airport or the managing body of the airport in question; ***in order to prove that he/she/it does not share common interests with any such entities, the coordinator or schedules facilitator must submit an annual declaration of his/her/its financial interests;***

Amendment 34

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(iia) the composition of the coordinator's board or supervisory function shall also be independent of the direct interests of the airport managing body, the airline users of that airport and any other entity representing a user or service provider. This shall not, however preclude representatives of such organisations from being members of a board or supervisory function, provided that voting rights are balanced;

Justification

This is to ensure a balanced impartiality in the coordinators board.

Amendment 35

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point b – point ii b (new)

Text proposed by the Commission

Amendment

(iib) to that end, the coordinator or schedules facilitator, whether as a natural or legal person, must not have been employed by, or worked regularly with, the airport managing body or a service provider or airline operating at or from the airport in question during the two years preceding his/her/its appointment and during the two years from the cessation of his/her/its duties as a coordinator or schedules facilitator;

Amendment 36

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the system of financing the coordinator's activities shall be such as to

(c) the system of financing the coordinator's activities ***and those of the***

guarantee the coordinator's independent status.

schedules facilitator shall be such as to guarantee the coordinator's independent status;

Amendment 37

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The financing referred to under point (c) shall be provided by the air carriers who operate in the coordinated airports and by *the* airports in such a way as to ensure that the financial burden is distributed equitably among all interested parties and that the financing does not largely depend on a sole interested party. The Member States shall ensure that *the* financial, human, technical and material resources and expertise *required by* the coordinator *for carrying out his* duties *are at his disposal* at all times.

Amendment

The financing referred to under point (c) shall be provided by *all* the air carriers who operate in the coordinated *and schedules facilitated* airports, *and by those* airports in such a way as to ensure that the financial burden is distributed equitably among all interested parties and that the financing does not largely depend on a sole interested party. *A stakeholder consultation procedure, incorporating the possibility of an appeal, shall be launched by Member States in order to ensure transparent, non-discriminatory charging correlating to the service provided by the coordinator or schedules facilitator. Collection of the air carriers' payments shall be the responsibility of the airports concerned, which shall pay those amounts to the coordinator or schedules facilitator.* The Member States shall ensure that *adequate* financial, human, technical and material resources and expertise *are at the disposal of* the coordinator *and the schedules facilitator, such as to enable them to carry out their* duties at all times.

Justification

It would seem fair for all carriers benefitting from coordination to contribute to its cost, and for the amount of that contribution to correlate with the coordination service provided. Also, since airports already have the wherewithal to make collections, they would seem the right players to do this, and this avoids the need to create a new structure for this. Launching a consultation and appeal procedure will help prevent breaches of the rules and guarantee transparency.

Amendment 38
Proposal for a regulation
Article 5 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The coordinator shall monitor the conformity of air carriers' operations with the slots allocated to them. These conformity checks shall be carried out in cooperation with the managing body of the airport **and with** the air traffic control authorities and shall take into account the time and other relevant parameters relating to the airport concerned.

Amendment

The coordinator shall monitor the conformity of air carriers' operations with the slots allocated to them. These conformity checks shall be carried out in cooperation with the managing body of the airport, the air traffic control authorities **and the network manager** and shall take into account the time and other relevant parameters relating to the airport concerned.

Justification

The network manager should be able to express views on the conformity of air carriers' operations with the slots allocated to them.

Amendment 39
Proposal for a regulation
Article 6

Text proposed by the Commission

Transparency of coordination activities and schedules facilitation

1. **At the end of each scheduling period**, the coordinator or schedules facilitator shall submit to the Member States concerned **and** to the Commission an activity report describing the general slot allocation and/or schedules facilitation situation, examining, in particular, the application of Article 9(5) and Articles 13 and 18, as well as any complaints regarding the application of Articles 9 and 10 submitted to the coordination committee and the steps taken to resolve them. The report shall also contain the results of a survey conducted among the interested parties on the quality of services provided

Amendment

Transparency of coordination activities and schedules facilitation

1. **On an annual basis**, the coordinator or schedules facilitator shall submit to the Member States concerned, to the Commission **and to all parties involved in their financing at their request**, an activity report describing the general slot allocation and/or schedules facilitation situation, examining, in particular, the application of Article 9(5) and Articles 13 and 18, as well as any complaints regarding the application of Articles 9 and 10 submitted to the coordination committee and the steps taken to resolve them. The report **shall also contain aggregate and individual data on financial compensation derived from the sale of slots as referred to in Article 13. It**

by the coordinator.

2. The Commission may adopt a template for the activity report mentioned in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

3. The coordinator shall maintain an up-to-date, *freely-accessible* electronic database, containing the following information:

- (a) historical slots by airline, chronologically, for all air carriers at the airport;
- (b) requested slots by air carriers and chronologically for all air carriers;
- (c) all allocated slots, and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers;
- (d) remaining available slots with respect to each type of constraint taken into consideration in the coordination parameters. The database shall allow the air carriers to verify *the availability of slots corresponding to their requests*;
- (e) slots transferred or exchanged, indicating the identity of the air carriers involved and whether the transfer or exchange was made for compensation of a financial or other nature. Aggregate data on

shall also contain the results of a survey conducted among the interested parties on the quality of services provided by the coordinator *and the schedules facilitator*.

The coordinator and the schedules facilitator shall furthermore submit to the Commission, to the Member States and to all parties involved in their financing a separate annual financial report indicating in detail revenue and expenditure relating to their activities.

2. The Commission may adopt a template for the activity report mentioned in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

3. The coordinator shall maintain, *for each airport for which he/she/it has been made responsible*, an up-to-date electronic database *freely accessible for all interested parties upon request, including the European Parliament*, containing the following information:

- (a) historical slots by airline, chronologically, for all air carriers at the airport;
- (b) requested slots by air carriers and chronologically for all air carriers;
- (c) all allocated slots, and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers;
- (d) remaining available slots with respect to each type of constraint taken into consideration in the coordination parameters. The database shall allow the air carriers *and airports* to verify *their* availability;
- (e) slots transferred or exchanged, indicating the identity of the air carriers involved and whether the transfer or exchange was made for compensation of a financial or other nature. Aggregate data on

financial compensation shall be published each year;

(f) full details on the coordination parameters.

This information shall be updated regularly. *At the end of each season*, the coordinator shall publish the activity report mentioned in paragraph 1.

4. The coordinator shall ensure that the data are stored and remain accessible for at least five consecutive equivalent scheduling periods.

5. Where relevant and generally accepted standards on the format of schedules information are available, the schedules facilitator, the coordinator and the air carriers shall apply them provided that they comply with Union law.

Amendment 40
Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Air carriers operating or intending to operate at a schedules facilitated or coordinated airport ***belonging to the network*** shall submit to the schedules facilitator or coordinator all relevant information requested by them. If this information changes, the air carriers shall inform the schedules facilitator and the coordinator ***as soon as possible***. All relevant information shall be provided ***in the format and*** within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with Article 2(2), in respect of requested slots.

financial compensation shall be published each year;

(f) full details on the coordination parameters.

This information shall be updated regularly. ***On an annual basis***, the coordinator shall publish the activity report mentioned in paragraph 1.

4. The coordinator shall ensure that the data are stored and remain accessible for at least five consecutive equivalent scheduling periods.

5. Where relevant and generally accepted standards on the format of schedules information are available, the schedules facilitator, the coordinator and the air carriers shall apply them provided that they comply with Union law.

Amendment

1. Air carriers operating or intending to operate at a schedules facilitated or coordinated airport shall submit to the schedules facilitator or coordinator, ***respectively***, all relevant information requested by them. If this information changes, the air carriers shall inform the schedules facilitator and the coordinator ***at the earliest suitable and possible opportunity***. All relevant information shall be provided within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with Article 2(2), in respect of requested slots ***and whether it is affiliated to other carriers operating at the same airport, in order to ensure that it cannot***

unjustifiably acquire that status.

Justification

It is often difficult for the coordinator to ascertain affiliations which exist between air carriers; it is therefore desirable that the carrier itself should communicate this information to the coordinator, in order to avoid anomalies in the allocation of slots.

Amendment 41

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For all other airports *with no particular designation status, the air carriers operating or intending to operate from that airport*, the managing body of the airport, *the groundhandling service providers and the air navigation service providers* shall provide, *when requested by a coordinator*, any information in *their* possession about the planned services of air carriers.

Amendment

For all other airports, the managing body of the airport shall, *when requested by a coordinator or by the schedules facilitator*, provide, *within a reasonable time limit*, any information in *its* possession about the planned services of air carriers.

Amendment 42

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Where an air carrier fails to provide the information referred to in paragraph 1, unless it can satisfactorily demonstrate that mitigating circumstances exist, or provides false or misleading information, the coordinator shall not take into consideration the slot request or requests by that air carrier to which the missing, false or misleading information relates. It shall withdraw the series of slots if they were already allocated and/or recommend that penalties be imposed by the competent body under national law. The coordinator shall *give* that air carrier the opportunity to

Amendment

2. Where an air carrier fails to provide the information referred to in paragraph 1, unless it can satisfactorily demonstrate that mitigating circumstances exist, or provides false or misleading information, the coordinator shall not take into consideration the slot request or requests by that air carrier to which the missing, false or misleading information relates. It shall withdraw the *slot or* series of slots if they were already allocated and/or recommend that penalties be imposed by the competent body under national law. The coordinator shall *offer* that air carrier

submit its observations.

the opportunity to submit its observations.

Justification

Withdrawal will also apply to individual slots, not only series of slots.

Amendment 43
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The schedules facilitator or the coordinator, the managing body of the airport **and** the air traffic control authorities shall exchange all the information they require for the exercise of their respective duties, including flight data and slots, in particular with a view to ensuring the application of Article 17.

Amendment

3. The schedules facilitator or the coordinator, the managing body of the airport, the air traffic control authorities **and the network manager** shall exchange all the information they require for the exercise of their respective duties, including flight data and slots, in particular with a view to ensuring the application of Article 17.

Justification

The network manager should also be consulted, with particular reference to flight plans.

Amendment 44
Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The format and scope of the information referred to in this Article shall be laid down in an agreed worldwide industry standard. The information provided shall be used for the purposes of this Regulation only.

Amendment 45
Proposal for a regulation
Article 8

Text proposed by the Commission

Coordination committee

1. At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question **regularly** and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities, the representatives of general aviation **using the airport regularly**, the network manager, the performance review body and the national supervisory authority of the Member State concerned.

The tasks of the coordination committee shall be:

(a) to make proposals concerning or advise the coordinator and/or the Member State on:

(i) the possibilities for increasing the capacity of the airport determined in accordance with Article 3 or for improving its usage;

(ii) the coordination parameters to be determined in accordance with Article 4;

Amendment

Coordination committee

1. At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question **frequently during the current scheduling season and which have used it/them during the previous scheduling season** and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities, **and** the representatives of general aviation. **In addition to those members, representatives of** the network manager, the performance review body and the national supervisory authority of the Member State concerned **may attend meetings of the coordination committee in an observer capacity only, and shall have no voting rights. The coordination committee may invite other bodies directly or indirectly involved in the slot allocation process to attend its meetings as observers. In order for such bodies to attend meetings, their credentials must be communicated to the coordination committee at least seven days before the meeting in question.**

The tasks of the coordination committee shall be:

(a) to make proposals concerning or advise the coordinator and/or the Member State on:

(i) the possibilities for increasing the capacity of the airport determined in accordance with Article 3 or for improving its usage;

(ii) the coordination parameters to be determined in accordance with Article 4;

(iii) the methods of monitoring the use of allocated slots;

(iv) local guidelines as provided for in Article 9(8);

(v) factors affecting the traffic conditions prevailing at the airport in question;

(vi) serious problems encountered by new entrants, as provided for in Article 9(6);

(vii) any issue concerning the airport capacity, in particular in relation to the implementation of the Single European Sky and the operation of the network;

(b) to provide the performance review body and the national supervisory authority with opinions concerning the link between the coordination parameters and the key performance indicators proposed to the air navigation service providers as defined by Commission Regulation (EU) No 691/2010.

(c) to mediate between all parties concerned on complaints on the allocation of slots, as provided for in Article 19.

2. Member State representatives and the coordinator shall be invited to the meetings of the coordination committee as observers. On its request, the Commission may participate in these meetings.

3. The coordination committee shall draw up written rules of procedure covering, inter alia participation, elections, the frequency of meetings, and language(s) used.

Any member of the coordination committee may propose local guidelines as provided for in Article 9(8). **At the request of the coordinator, the** coordination committee shall discuss **suggested** local guidelines. A report of the discussions in the coordination committee shall be

(iii) the methods of monitoring the use of allocated slots;

(iv) local guidelines as provided for in Article 9(8);

(v) factors affecting the traffic conditions prevailing at the airport in question;

(vi) serious problems encountered by new entrants, as provided for in Article 9(6);

(vii) any issue concerning the airport capacity, in particular in relation to the implementation of the Single European Sky and the operation of the network;

(viii) recommendations regarding the efficiency, cost and effectiveness of the coordination process;

(b) to provide the performance review body and the national supervisory authority with opinions concerning the link between the coordination parameters and the key performance indicators proposed to the air navigation service providers as defined by Commission Regulation (EU) No 691/2010.

(c) to mediate between all parties concerned on complaints on the allocation of slots, as provided for in Article 19.

2. Member State representatives and the coordinator shall be invited to the meetings of the coordination committee as observers. On its request, the Commission may participate in these meetings.

3. The coordination committee shall draw up written rules of procedure covering, inter alia, participation, elections **and decision-making**, the frequency of meetings, and language(s) used.

Any member of the coordination committee may propose local guidelines as provided for in Article 9(8). **The** coordination committee shall discuss **and decide to suggest** local guidelines. A report of the discussions in the coordination committee shall be submitted to the

submitted to the Member State concerned with an indication of the respective positions stated within the committee. This report shall also be communicated to the performance review body and the network manager.

Member State concerned with an indication of the respective positions stated within the committee. This report shall also be communicated to the performance review body and the network manager.

Amendment 46

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. The coordinator shall set up a pool, which shall contain all the slots. All new slot capacity determined pursuant to Article 3(3) **shall** be placed in the pool.

Amendment

1. The coordinator shall set up a pool, which shall contain all the slots **not allocated on the basis of Article 10(2) or (3)**. All new slot capacity determined pursuant to Article 3(3) **shall** be placed in the pool. ***This procedure shall be without prejudice to connectivity between regional airports and hub airports. If such connectivity is undermined, Member States shall be permitted to intervene.***

Justification

Under the present regulation the slot pool consists of all slots not allocated on the basis of historical precedence or re-timings. There is no reason to change this setup.

Amendment 47

Proposal for a regulation Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 10(2) and (3) of this Regulation and without prejudice to Article 19(2) of Regulation (EC) No 1008/2008, slots placed in the pool shall be distributed among applicant air carriers. 50 % of these slots shall first be allocated to new entrants unless requests by new entrants are less than 50 %. ***The preference given to new entrants shall be respected***

Amendment

Without prejudice to Article 10(2) and (3) of this Regulation and without prejudice to Article 19(2) of Regulation (EC) No 1008/2008, slots placed in the pool shall be distributed among applicant air carriers. 50 % of these slots shall first be allocated to new entrants unless requests by new entrants are less than 50 %. The coordinator shall treat the requests of new

during the entire scheduling period. The coordinator shall treat the requests of new entrants and other carriers fairly, in accordance with the coordination periods of each scheduling day.

entrants and other carriers fairly, in accordance with the coordination periods of each scheduling day.

Amendment 48

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. Without prejudice to Article 10(2), in a situation where all slot requests **cannot** be accommodated to the satisfaction of the air carriers concerned, preference shall be given to commercial ***air services and in particular to scheduled air services and programmed non-scheduled*** air services. In the case of competing requests within the same category of services, priority shall be given for year round operations.

Amendment

3. Without prejudice to Article 10(2), in a situation where **not all** all slot requests **can** be accommodated to the satisfaction of the air carriers concerned, preference shall be given to ***all types of*** commercial air services. In the case of competing requests within the same category of services, priority shall be given for year round operations.

Justification

The definition of "programmed non-scheduled air services" (PNS) is vague. It isn't clear from the proposal which operators are covered by PNS and which are excluded (and thus could not qualify for historical rights). Such a situation could lead to a range of interpretations by slot coordinators, which would not be in the interest of the single market.

Amendment 49

Proposal for a regulation Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

In the case of services operated by a group of air carriers, only one of the participating air carriers can apply for the required slots. The air carrier operating such a service ***accepts*** responsibility for meeting the operating criteria required to ***benefit from the priority*** referred to in Article 10(2).

Amendment

In the case of services operated by a group of air carriers, only one of the participating air carriers can apply for the required slots. The air carrier operating such a service ***shall accept*** responsibility for meeting the operating criteria required to ***maintain historical precedence*** referred to in Article 10(2).

Justification

There is no reason to use the word “priority” because Article 10 is about “historical slots” and historical precedence is a globally used and accepted terminology.

Amendment 50

Proposal for a regulation

Article 9 – paragraph 8

Text proposed by the Commission

8. The coordinator shall also take into account additional guidelines established by the air transport industry ***Union -wide or*** world-wide as well as local guidelines proposed by the coordination committee and approved by the Member State or any other competent body responsible for the airport in question, provided that such guidelines do not affect the independent status of the coordinator, comply with Union law, aim at improving the efficient use of airport capacity ***and have been notified in advance to and pre-approved by the Commission.***

The local guidelines may only concern the monitoring of the use of slots allocated or the amendment of the definition of a series of slots to reduce its length below 10 slots for the winter scheduling period or below 15 slots for the summer scheduling period, but under no circumstances below 5 slots. The reduction of the length of the series of slots applies only at airports where demand for air services is highly seasonable.

Amendment

8. The coordinator shall also take into account additional guidelines established by the air transport industry world-wide ***or Union-wide*** as well as local guidelines proposed by the coordination committee and approved by the Member State or any other competent body responsible for the airport in question, provided that such guidelines do not affect the independent status of the coordinator, comply with Union law, aim at improving the efficient use of airport capacity.

Local rules shall concern the allocation and monitoring of slots. Those rules may be applied only where it can be proved that an airport reaches an alarming level of congestion and that performance or throughput improvements can therefore be delivered through locally applied rules. These must be transparent and non-discriminatory. Local rules must be agreed and voted on in the coordination committee, with the agreement of all parties concerned, as referred to in Article 8(3).

Justification

Local rules do exist and are essential to allow to take into account specific/local circumstances at a given airport (for example, environment, accessibility, geographical diversity, special weather conditions). However, those rules can be applied only under specific circumstances and after agreement of all parties concerned in order to avoid abuse.

Amendment 51

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Series of slots are allocated from the slot pool to applicant carriers as permissions to use the airport infrastructure for the purpose of landing or take-off for the scheduling period for which they are requested, at the expiry of which they have to be returned to the slot pool as set up according to the provisions of Article 9.

Amendment

1. Series of slots ***shall be*** allocated from the slot pool ***by the coordinator with the utmost transparency and fairness*** to applicant carriers as permissions to use the airport infrastructure for the purpose of landing or take-off for the scheduling period for which they are requested, at the expiry of which they have to be returned to the slot pool as set up according to the provisions of Article 9.

Amendment 52

Proposal for a regulation Article 10 – paragraph 2 – introductory wording

Text proposed by the Commission

2. Without prejudice to Articles 7, ***12, 13 and 17, priority is to*** be given to the air carrier concerned for the allocation of the same series during the following equivalent scheduling period, if that air carrier so requests within the time-limit mentioned in Article 7(1), if the following conditions are satisfied:

Amendment

2. Without prejudice to Articles 7 ***and 12, historical precedence shall*** be given to the air carrier concerned for the allocation of the same series during the following equivalent scheduling period, if that air carrier so requests within the time-limit mentioned in Article 7(1), if the following conditions are satisfied:

Amendment 53

Proposal for a regulation Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) a series of slots has been used by that air carrier ***for the operation of scheduled and programmed non-scheduled air services***, and

Amendment

(a) a series of slots has been used by that air carrier, and

Amendment 54

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) that air carrier can demonstrate to the satisfaction of the coordinator that the series of slots in question has been operated, as cleared by the coordinator, by that air carrier for at least **85%** of the time during the scheduling period for which it has been allocated.

Amendment

(b) that air carrier can demonstrate to the satisfaction of the coordinator that the series of slots in question has been operated, as cleared by the coordinator, by that air carrier for at least **80%** of the time during the scheduling period for which it has been allocated.

Justification

Raising the slot series usage rate to 85% seems excessive and is not an appropriate answer to congestion problems. This rate would also lead to carriers 'flying empty' in order not to lose their series allocation, which is hardly in keeping with the overriding need to address the environmental impact of this mode of transport. The rate would therefore seem to be of little economic or environmental benefit. An 80-20 ratio should therefore be maintained for series usage rates.

Amendment 55

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Non-scheduled air transportation contributes to regional cohesion and competitiveness. Where air carriers have regularly used slots for such transportation at an airport falling within the scope of this Regulation, even where those slots do not always involve the same routes, priority shall be given to requests for continued usage of such slots.

Justification

Non-scheduled air transportation plays a role in providing links to and from the less accessible regions of Europe contributing to their development. Such regions are often poorly served by scheduled operations. The positive contributions of other air transportation therefore deserves to be recognised, slots that have regularly been used for such flights,

should like other slots be used 80% of the time benefit from preferential treatment by the coordinators.

Amendment 56

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

3. Re-timing of series of slots before the allocation of the remaining slots from the pool referred to in Article 9 to the other applicant air carriers shall be accepted only for operational reasons such as, changes in the type of aircraft used or route operated by the air carrier. It shall not take effect until expressly confirmed by the coordinator.

Amendment

3. Re-timing of series of slots before the allocation of the remaining slots from the pool referred to in Article 9 to the other applicant air carriers shall be accepted only for operational reasons such as, changes in the type of aircraft used or route operated by the air carrier. It shall not take effect until expressly confirmed by the coordinator ***or, in the case of series of slots allocated to new entrants as defined in Article 2, if the slot timing for those requesting air carriers is better than the slot timing originally requested.*** It shall not take effect until expressly confirmed by the coordinator.

Amendment 57

Proposal for a regulation Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Slots coinciding with public holidays shall be incorporated into the series for the following season without any need to justify their non-use.

Amendment

deleted

Justification

This should not be a valid reason to wave the use it or lose it rule at the expense of the airport. In practice, this provision would be impossible to implement as holidays vary considerably across Europe.

Amendment 58

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – introductory wording

Text proposed by the Commission

If the **85 %** usage of the series of slots cannot be demonstrated, the *priority* provided under paragraph (2) shall not be given , unless the non-utilisation can be justified on the basis of any of the following reasons:

Amendment

If the **80 %** usage of the series of slots cannot be demonstrated, the *historical precedence* provided under paragraph 2 shall not be given , unless the non-utilisation can be justified on the basis of any of the following reasons:

Amendment 59

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a – point iii

Text proposed by the Commission

(iii) serious disturbance of operations at the airports concerned, including those series of slots at other *Union* airports related to routes which have been affected by such disturbance, during a substantial part of the relevant scheduling period;

Amendment

(iii) serious disturbance of operations at the airports concerned, including those series of slots at other airports related to routes which have been affected by such disturbance, during a substantial part of the relevant scheduling period;

Amendment 60

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

(c) serious financial difficulties *of the Union* air carrier concerned, resulting in the granting of a temporary licence by the licensing authorities pending financial reorganisation of the air carrier in accordance with Article 9(1) of Regulation (EC) No 1008/2008;

Amendment

(c) serious financial difficulties *for an* air carrier concerned, resulting in the granting of a temporary licence by the licensing authorities pending financial reorganisation of the air carrier in accordance with Article 9(1) of Regulation (EC) No 1008/2008;

Amendment 61

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. If the conditions set out in paragraph (2)(a) and (b) are not met, the Commission may however decide that **priority for** the allocation of the same series should be **awarded to** the air carriers for the following scheduling period, if this is justified on imperative grounds of urgency linked to exceptional events requiring coherence in the application of measures to be taken in these airports. **The** Commission shall adopt the necessary measures, the application of which shall not exceed the length of one scheduling period. It shall adopt these immediately applicable implementing acts in accordance with the procedure referred to in Article 16(3).

Amendment

7. If the conditions set out in paragraph (2)(a) and (b) are not met, the Commission, **in consultation with the various partners,** may however decide that **historical precedence for** the allocation of the same series should be **maintained for** the air carriers for the following scheduling period, if this is justified on imperative grounds of urgency linked to exceptional events requiring coherence in the application of measures to be taken in these airports. **Within one month of the Member State or airport concerned having so requested, the** Commission shall adopt the necessary measures, the application of which shall not exceed the length of one scheduling period. It shall adopt these immediately applicable implementing acts in accordance with the procedure referred to in Article 16(3). **The measures adopted by the Commission may differ according to the Member State, airport or type of airline services concerned by the exceptional event in question.**

Justification

Relaxing the 80-20 rule would seem to be enough to address exceptional events. However, it should be specified that the measures can only be applied to a given region for a temporary period. They should not necessarily have uniform, pan-European effect. A degree of flexibility is therefore necessary.

Amendment 62

Proposal for a regulation
Article 11

Text proposed by the Commission

Article 11

Slot reservation

1. The managing body of a coordinated airport may decide to use the airport

Amendment

deleted

charge system with the aim of dissuading air carriers from belatedly returning slots to the pool referred to in Article 9 and to hold them liable for having reserved airport infrastructure without using it. The following principles shall be respected:

(a) the procedure set out under Article 6 of Directive 2009/12/EC of the European Parliament and of the Council shall be observed before this decision is taken. The coordinator shall also be consulted. For coordinated airports not covered by Article 1(2) of Directive 2009/12/EC, the airport managing body shall consult the coordination committee and the coordinator;

(b) this decision shall not affect the non-discriminatory and transparent character of the slot allocation process and the system of airport charges;

(c) this decision shall not discourage air carriers from developing services or entering the market and it shall be limited to covering the costs incurred by the airport for reserving the airport capacity corresponding to the slots which remained unused;

(d) air carriers shall not be held liable for having reserved airport infrastructure without using it for slots allocated but returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter scheduling period, for slots coinciding with public holidays and returned to the pool before the same dates and for slots for which the non-use can be justified on the basis of Article 10(5);

(e) this decision shall be communicated to the coordinator, the interested parties and the Commission at least six months before the start of the scheduling season concerned.

2. The coordinator shall send the airport

managing body all the information necessary for the implementation of the decision referred to in the first paragraph.

Amendment 63

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. Where public service obligations have been imposed on a route in accordance with Article 16 of Regulation (EC) No 1008/2008, a Member State *may* reserve the slots required for the operations envisaged on that route at a coordinated airport. If the reserved slots on the route concerned are not used, they shall be made available to any other air carrier interested in operating the route in accordance with the public service obligations, subject to paragraph 2. If no other carrier is interested in operating the route and the Member State concerned does not issue a call for tenders under Article 16(10), Article 17(3) to (7), and Article 18(1) of Regulation (EC) No 1008/2008, the slots shall either be reserved for another route subject to public service obligations or be returned to the pool.

Amendment

1. Where public service obligations have been imposed on a route in accordance with Article 16 of Regulation (EC) No 1008/2008, a Member State *shall* reserve the slots required for the operations envisaged on that route at a coordinated airport. If the reserved slots on the route concerned are not used, they shall be made available to any other air carrier interested in operating the route in accordance with the public service obligations, subject to paragraph 2. If no other carrier is interested in operating the route and the Member State concerned does not issue a call for tenders under Article 16(10), Article 17(3) to (7), and Article 18(1) of Regulation (EC) No 1008/2008, the slots shall either be reserved for another route subject to public service obligations or be returned to the pool. ***Slots shall be returned to the pool when they are not being used after the expiry of a maximum period of six months. When a route no longer meets the requirement for Public Service Obligations slots reservation, the slots shall either be reserved for another route subject to public service obligations or shall remain with the air carrier which was using them if the requirement laid down in Article 10(2) has been met for the series concerned.***

Amendment 64

Proposal for a regulation
Article 13

Text proposed by the Commission

Slot transfers and exchanges

1. Slots may be:

- (a) transferred by an air carrier from one route or type of service to another route or type of service operated by that same air carrier;
- (b) transferred between two air carriers, with or without monetary or any other kind of compensation;
- (c) exchanged, one for one, between air carriers, with or without monetary or any other kind of compensation.

2. The **Member State** shall establish a transparent framework to allow contact between air carriers interested in transferring or exchanging slots in conformity with Union law.

The transfers or exchanges referred to in paragraph 1 shall be notified to the coordinator and shall not take effect until expressly confirmed by the coordinator. The coordinator shall decline to confirm the transfers or exchanges if they are not in conformity with the requirements of this Regulation and if the coordinator is not satisfied that:

- (a) airport operations would not be prejudiced, taking into account all technical, operational, performance and environmental constraints;

Amendment

Slot transfers and exchanges

1. Slots may be:

- (a) transferred by an air carrier **or between air carriers within a consortium** from one route or type of service to another route or type of service operated by that same air carrier;
- (b) transferred between two air carriers, with or without monetary or any other kind of compensation;
- (c) exchanged, one for one, between air carriers, with or without monetary or any other kind of compensation. **Slots that have been newly allocated to air carriers for a scheduling period shall not be transferred or exchanged for compensation or monetary gain until the end of at least one equivalent scheduling period.**

2. The **coordinator** shall establish a transparent framework to allow contact between air carriers interested in transferring or exchanging slots in conformity with Union law.

The transfers or exchanges referred to in paragraph 1 shall be notified to the coordinator and shall not take effect until expressly confirmed by the coordinator. The coordinator shall decline to confirm the transfers or exchanges if they are not in conformity with the requirements of this Regulation and if the coordinator is not satisfied that:

- (a) airport operations would not be prejudiced, taking into account all technical, operational, performance and environmental constraints;

(aa) connectivity between regional and hub airports as well as access to non-

(b) limitations imposed in accordance with Article 12 are respected;

(c) a transfer of slots does not fall within the scope of paragraph 3 of this Article.

For the transfers or exchanges referred to in paragraph 1(b) and (c), the air carriers shall give the coordinator the details of any monetary or any other kind of compensation. The transfers or exchanges **may** not be subject to conditions intended to limit the possibility for the air carrier wishing to obtain the slots **from entering** into competition with the air carrier which transfers or exchanges the slots.

3. Slots allocated to a new entrant as defined in Article 2(2) **may** not be transferred as provided for in paragraph 1(b) of this Article for a period of two equivalent scheduling periods, except in the case of a legally authorised takeover of the activities of a bankrupt undertaking.

Slots allocated to a new entrant as defined in Article 2(2)(b) **may** not be transferred to another route as provided for in paragraph 1(a) of this Article for a period of two equivalent scheduling periods unless the new entrant would have been treated with the same priority on the new route as on the initial route.

Slots allocated to a new entrant as defined in Article 2(2) may not be exchanged as provided for in paragraph 1(c) of this Article for a period of two equivalent scheduling periods, except in order to

coordinated airports would not be impaired;

(b) limitations imposed in accordance with Article 12 are respected;

(c) a transfer of slots does not fall within the scope of paragraph 3 of this Article.

For the transfers or exchanges referred to in paragraph 1(b) and (c), the air carriers shall give the coordinator the details of any monetary or any other kind of compensation. ***The details regarding compensation for the transfers or exchanges shall be enclosed within the activity report referred to in Article 6(1) and the coordinator shall only divulge such details to the Member State where the airport is situated, the Commission and all parties involved in the financing of the coordinator.*** The transfers or exchanges **shall** not be subject to **restrictive** conditions intended to limit the possibility for the air carrier wishing to obtain the slots **to enter** into competition with the air carrier which transfers or exchanges the slots.

3. Slots allocated to a new entrant as defined in Article 2(2) **shall** not be transferred as provided for in paragraph 1(b) of this Article for a period of two equivalent scheduling periods, except in the case of a legally authorised takeover of the activities of a bankrupt undertaking.

Slots allocated to a new entrant as defined in Article 2(2)(b) **shall** not be transferred to another route as provided for in paragraph 1(a) of this Article for a period of two equivalent scheduling periods unless the new entrant would have been treated with the same priority on the new route as on the initial route.

Slots allocated to a new entrant as defined in Article 2(2) may not be exchanged as provided for in paragraph 1(c) of this Article for a period of two equivalent scheduling periods, except in order to

improve the slot timings for these services in relation to the timings initially requested.

improve the slot timings for these services in relation to the timings initially requested.

Member States may adopt measures to allocate a portion of the revenue generated from the slots trading to a fund in order to cover the costs of developing airport infrastructure and optimising related services. In the interests of complete transparency, the fund in question shall be determined and approved by an independent supervisory authority as referred to in Directive 2009/12/EC. The fund must at all times be managed in such a way as to ensure that the principles of separate accounting are followed, so that the financial amounts to be allocated from the fund to each airport can be established. The revenues generated from the slot trading at one airport shall be reinvested at the same airport.

Amendment 65

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. The power *to adopt delegated acts* referred to in Article 3(3) *in fine* shall be conferred on the Commission for *an indeterminate* period of *time* from the entry into force of this Regulation.

Amendment

2. The *delegation of* power referred to in Article 3(3) shall be conferred on the Commission for *a* period of *five years* from the date of entry into force of this Regulation. *The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Amendment 66

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. When an air carrier submits a flight plan, it shall include a reference to the slot allocated. The network manager **shall** reject an air carrier's flight plan if the air carrier intends to land or take off at a coordinated airport, during the periods for which it is coordinated, without having a slot allocated by the coordinator. Business aviation operators shall not be deemed to have been allocated a slot if they would have to operate outside the time-band offered by the slot and if the delay is not attributable to air navigation services.

Amendment

1. When an air carrier submits a flight plan, it shall include a reference to the slot allocated. The network manager, **after hearing the air carrier concerned, may** reject an air carrier's flight plan if the air carrier intends to land or take off at a coordinated airport, during the periods for which it is coordinated, without having a slot allocated by the coordinator. Business aviation operators shall not be deemed to have been allocated a slot if they would have to operate outside the time-band offered by the slot and if the delay is not attributable to air navigation services.

Amendment 67

Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Air carriers that repeatedly **or** intentionally operate air services at a time significantly different from the slot allocated as part of a series of slots or use slots in a significantly different way from that indicated at the time of allocation shall lose their **priority** as referred to in Article 10(2). The coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having consulted the air carrier concerned and after issuing a single warning. If the air carrier requests equivalent slots, the coordinator is not obliged to allocate them.

Amendment

Air carriers that repeatedly **and intentionally, or general aviation/business aviation companies that** intentionally, operate air services at a time significantly different from the slot allocated as part of a series of slots or use slots in a significantly different way from that indicated at the time of allocation **and thereby cause prejudice to airport or air traffic operations** shall lose their **historical precedence** as referred to in Article 10(2). The coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having consulted the air carrier concerned and after issuing a single warning. If the air carrier **then** requests equivalent slots, the coordinator is not

obliged to allocate them.

Amendment 68

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ***ensure that*** effective, proportionate and dissuasive sanctions ***are available and are applied*** to deal with:

– ***repeated or intentional operation of air services*** without a corresponding slot or at times significantly different from the allocated slots or with the use of slots in a significantly different way from that indicated at the time of allocation;

– ***the return of slots after 31 January for the following summer season or after 31 August for the following winter season, or the retention of unused slots; the penalty should in any case take account of the possible use of the mechanism provided by Article 11;***

– the refusal to communicate to the coordinator or the schedules facilitator the information specified under Articles 7 and 13 or the communication of false or misleading information.

The coordinator shall be duly informed of the application of penalties.

Amendment

3. Member States shall ***implement a system of*** effective, proportionate and dissuasive sanctions to deal with:

– ***air carriers or general aviation/business aviation companies that intentionally operate*** without a corresponding slot or at times significantly different from the allocated slots or with the use of slots in a significantly different way from that indicated at the time of allocation;

– the refusal to communicate to the coordinator or the schedules facilitator the information specified under Articles 7 and 13 or the communication of false or misleading information.

The coordinator shall be duly informed of the application of penalties. ***Member States shall notify the Commission of the penalty system they have implemented under this paragraph.***

Amendment 69

Proposal for a regulation

Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall also ensure that the managing body of a coordinated airport establishes and applies effective, proportionate and dissuasive financial sanctions to deal with the return of slots after the agreed Historic Baseline Dates for the following winter or summer season, respectively, or the retention of unused slots with the aim of dissuading air carriers from belatedly returning slots to the pool referred to in Article 9, and to hold them liable for having reserved airport infrastructure without using it. In this regard, the following principles shall be respected: .

(a) the procedure laid down in Article 6 of Directive 2009/12/EC shall be followed before sanctions within the meaning of this paragraph are imposed. The coordinator shall also be consulted. For coordinated airports not covered by Article 1(2) of Directive 2009/12/EC, the airport managing body shall consult the coordination committee and the coordinator;

(b) those sanctions shall not affect the non-discriminatory and transparent character of the slot allocation process and the system of airport charges;

(c) those sanctions shall not discourage air carriers from developing services or entering the market;

(d) air carriers shall not be held liable for having reserved airport infrastructure without using it:

- for slots allocated but returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter

scheduling period, ,

-for slots coinciding with public holidays and returned to the pool before 31 January for the following summer scheduling period or before 31 August for the following winter scheduling period; and

- for slots for which the non-use can be justified on the basis of Article 10(5);

(e) those sanctions shall be communicated to the coordinator, the interested parties and the Commission at least six months before the start of the scheduling season concerned;

(f) the system of sanctions shall be revenue-neutral for the airport managing body and shall be aimed solely at increasing the efficiency of time slot allocation.

The coordinator shall send the airport managing body all information necessary for the implementation of this paragraph.

Members States shall have these sanctions in place not later than one year after the adoption of this Regulation. They shall duly inform the Commission, which shall assess the effectiveness of the sanctions in question. When a potential infringement of paragraph (2) or (3) is identified, through slot monitoring or otherwise, the air carrier concerned shall be contacted in writing with details of the alleged infringement and a request for information about the air service or slot in question. Where a financial sanction is necessary, it shall apply to each individual failure by an air carrier to comply with paragraph (2) or (3), and shall have a pre-determined minimum value, to be set by the Member State concerned. Multiple infringements may give rise to the imposition of a series of financial sanctions and may result in, for example, the doubling of the financial penalty for each further infringement. The

coordinator shall be duly informed of the imposition of penalties. Decisions to impose financial sanctions shall be published by the coordinator.

Amendment 70

Proposal for a regulation

Article 18 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 10(5), if the **85** % usage rate as defined in Article 10(2) cannot be achieved by an air carrier, the coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having consulted the air carrier concerned.

Amendment

Without prejudice to Article 10(5), if the **80** % usage rate as defined in Article 10(2) cannot be achieved by an air carrier, the coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having consulted the air carrier concerned.

Amendment 71

Proposal for a regulation

Article 18 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Without prejudice to Article 10(5), if after an allotted time corresponding to **15** % of the period of the series validity no slots of that series of slots have been used, the coordinator shall place the series of slots in question in the pool for the remainder of the scheduling period, after having consulted the air carrier concerned. The coordinator may decide to withdraw the series of slots before the end of a period corresponding to **15** % of the period of validity of the series if the carrier does not show that it intends to use them.

Amendment

Without prejudice to Article 10(5), if after an allotted time corresponding to **20** % of the period of the series validity no slots of that series of slots have been used, the coordinator shall place the series of slots in question in the pool for the remainder of the scheduling period, after having consulted the air carrier concerned. The coordinator may decide to withdraw the series of slots before the end of a period corresponding to **20** % of the period of validity of the series if the carrier does not show that it intends to use them.

Amendment 72

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Without prejudice to rights of appeal under national law, complaints regarding the application of Articles 7(2), 9, 10, 13, 17 and 18(1),(2) and (4) shall be submitted to the coordination committee. The committee shall, within a period of one month following submission of the complaint, consider the matter and if possible make proposals to the coordinator in an attempt to resolve the problem. If the complaint cannot be settled, the Member State responsible may, within a further two month period, provide for mediation by an air carriers' or airports' representative organisation or other third party.

Amendment

1. Without prejudice to rights of appeal under national law, complaints regarding the application of Articles 7(2), 9, 10, 13, 17 and 18(1),(2), (3) and (4) shall be submitted to the coordination committee. The committee shall, within a period of one month following submission of the complaint, consider the matter and if possible make proposals to the coordinator in an attempt to resolve the problem. If the complaint cannot be settled, the Member State responsible may, within a further two month period, provide for mediation by an air carriers' or airports' representative organisation or other third party.

Amendment 73

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. The Commission shall submit a report to the European Parliament and the Council on the operation of this Regulation at the latest **four** years after its entry into force. The report shall address in particular the functioning of Articles 9, 10 11 and 13.

Amendment

1. The Commission shall 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 shall address in particular the functioning of Articles 9, 10 11 and 13.

Justification

The air transport industry can adjust speedily to regulatory changes and therefore a three year period would be sufficient to see the first round of effects of the Regulation.

Amendment 74

Proposal for a regulation
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall monitor the secondary markets for slots based on the data received from co-ordinators and shall report on relevant trends, including those relating to regional and intra-Union connectivity, in its Annual Analysis of Air Transport Markets.

EXPLANATORY STATEMENT

General background

Under the current legislation, slots are allocated to air carriers by means of an administrative system set up under Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, as amended by Regulation (EEC) No 793/2004. Slots are allocated for the summer scheduling season or for the winter scheduling season. A minimum set of five slots allocated for the same time on the same day of the week in any given season is defined as a **‘series of slots’**. Under the 1993 regulation, air carriers which have used a series of slots for at least 80% of the time during a season are entitled to the same series of slots in the next season (i.e. they acquire ‘grandfather rights’). In the opposite case (if air carriers use the slots for less than 80% of the time), the slots are returned to the slot pool for reallocation by an independent coordinator; 50% of slots in the pool are allocated to new entrants, while the remaining 50% are allocated to the other carriers on the basis of ‘first come, first served’.

This system of allocating slots has proved to be inefficient, and does not guarantee full use of airport capacity. The Commission considers, on the basis of an impact assessment study it commissioned from the Steer Davies Gleave international consultancy, that there are clear indications that the current EU system for allocating slots is not the optimal system for airports affected by capacity constraints, and consequently that it is essential to use existing airport capacity as efficiently as possible. As Eurocontrol and ACI Europe have stressed, one of the main challenges which Europe must confront is the congestion of its airports. According to Eurocontrol’s Long-Term Forecast, published in December 2012, even if currently planned infrastructure enhancements are taken into account, as much as 10% of demand for air transport will remain unmet in 2030 due to a shortage of airport capacity. Consequently it is necessary to review the regulation on slots in order to establish to what extent it can be improved with a view to striking a balance between capacity and air transport demand in all sectors (long-haul flights, regional connections, air freight, etc.).

At present, 89 fully coordinated airports are situated in States where the regulation on slots is applied (the European Economic Area plus Switzerland). Of these airports, 62 are coordinated year-round, and 27 are coordinated seasonally. In some of these airports, such as London Heathrow or Paris Orly, demand substantially exceeds capacity at all times of the year; in others, capacity is scarce during certain peak periods. 18 Member States have at least one coordinated airport and are therefore required to appoint a coordinator.

Content of the Commission proposal

The general objective is to ensure optimal allocation and use of airport slots in the EU’s congested airports. The specific objectives are:

– to ensure strengthened and effectively implemented slot allocation and use;

– to enhance fair competition and the competitiveness of operators.

To achieve these objectives, the Commission proposes the adoption of measures:

– to introduce the possibility of **secondary trading in slots** and increase competition;

– to enhance the **transparency of the slot allocation procedure** and guarantee the independence of slot coordinators;

– to include the slot allocation system in the **reform of the European air traffic control system (the ‘single European sky’)**;

– **to increase the threshold for slot usage** from 80% to 85% and increase the **slot series length**;

– to authorise an **airport charge system** to discourage air carriers from belatedly returning slots to the pool.

Position of the rapporteur

Your rapporteur considers that the Commission proposal may provide a good starting point for the purpose of improving airport efficiency. Most of the amendments tabled seek to reinforce the content of certain provisions with a view to making them more effective and clarifying their wording; others, however, seek to introduce important changes to the Commission text.

In particular, the most incisive comments focused on two areas in particular: the **independence of coordinators** and **secondary trading in airport slots**.

With regard to the first of these points, your rapporteur takes the view that the whole slot allocation system is predicated on the clear operational, organisational and financial separation of coordinators from all the other actors involved, such as airlines and airport operators. The amendments tabled are therefore directed towards seeking a more independent and disinterested role for coordinators, for example by ensuring a better balance of stakeholders on the coordination committee.

Your rapporteur is also in favour of secondary trading in airport slots, which has already been introduced in some British airports: in this field, too, our approach has focused on the need to ensure that transfers and exchanges, particularly where they involve monetary compensation, are as transparent and well-regulated as possible. An important new feature which is being proposed concerns the possibility of allocating part of the proceeds of selling airport slots to improving airport infrastructures and services for passenger. This measure is justified on the grounds that airport slots are the product of the technical, operational and organisational capacity of airports’ infrastructures, which operators are obliged to continuously maintain and improve, at considerable expense.

As no regulation governing the allocation of airport slots has addressed this subject up to now, your rapporteur considers that it is essential to incorporate in the proposal for regulation an

amendment concerning the legal definition of airport slots. Both the previous regulations – Regulation (EEC) No 95/93 and Regulation (EEC) No 793/2004 – confine themselves to providing a technical and operational definition of airport slots, without going into the legal aspects. The system therefore has to strike a balance between the public interest in providing users with air transport and the requirements of the various airlines and airport operators.

ANNEX: LETTER FROM THE LEGAL AFFAIRS COMMITTEE

Ref.: D(2011)22897

Mr Brian Simpson
Chair of the Committee on Transport and Tourism
ASP 13E130
Brussels

Subject: Proposal for a Regulation of the European Parliament and of the Council on common rules for the allocation of slots at EU airports (recast) (COM(2011)0827 – C7-0458/2011 – 2011/0391(COD))

Dear Chairman,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping

with the recommendations of the draftsman, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, after discussing it at its meeting of 26 April 2012, the Committee on Legal Affairs, by 23 votes in favour and no abstentions¹, recommends that your Committee, as the committee responsible, proceed to examine the above proposal in accordance with Rule 87.

Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

¹ Raffaele Baldassarre, Sebastian Valentin Bodu, Piotr Borys, Françoise Castex, Sergio Gaetano Cofferati, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Vytautas Landsbergis, Eva Lichtenberger, Jiří Maštálka, Antonio López-Istúriz White, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Axel Voss, Cecilia Wikström, Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 16 January 2012

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a Regulation of the European Parliament and of the Council on common rules for the allocation of slots at EU airports (recast)
COM(2011) 827 final of 1 December 2011 – 2011/0391 (COD)**

In the light of the Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular point 9 thereof, the Consultative Working Party of the legal services of Parliament, the Council and the Commission held a meeting on 12 December 2011 for the purpose of considering the abovementioned proposal by the Commission, among others.

After examining¹ the proposed Regulation of the European Parliament and of the Council recasting Regulation (EEC) No 95/93 of the Council of 18 January 1993 on common rules for the allocation of slots at Community airports, the Consultative Working Party established, by common accord, as follows:

- 1) In recital 18, the initial words '*An airport may be designated as coordinated*' should be replaced by the words '*an airport may be designated as schedules facilitated or coordinated*'.
- 2) In Article 6(1) the reference to '*Articles 13 and 18*' should read as a reference to '*Articles 13, 17(1) and 18*'.
- 3) In Article 9(3), the initial words '*Without prejudice to Article 10(2)*' should be deleted.

Having considered the proposed Regulation, the Working Party was thus able to establish, without dissent, that the proposal did not involve any substantive changes other than those

¹ The Group had the German, English and French versions of the proposal and used the French text, the original version of the working document, as the basis for its work.

identified as such in the text itself. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal was indeed a straightforward codification, without any substantive changes to the acts to which it related.

C. PENNERA
Jurisconsult

J.-C. PIRIS
Jurisconsult

L. ROMERO REQUENA
Director-General

PROCEDURE

Title	Common rules for the allocation of slots at European Union airports (Recast)		
References	COM(2011)0827 – C7-0458/2011 – 2011/0391(COD)		
Date submitted to Parliament	1.12.2011		
Committee responsible Date announced in plenary	TRAN 13.12.2011		
Committee(s) asked for opinion(s) Date announced in plenary	JURI 13.12.2011		
Rapporteur(s) Date appointed	Giommaria Uggias 19.12.2011		
Discussed in committee	8.5.2012	9.7.2012	8.10.2012
Date adopted	6.11.2012		
Result of final vote	+: -: 0:	39 5 0	
Members present for the final vote	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Jaromír Kohlíček, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Eva Lichtenberger, Marian-Jean Marinescu, Hubert Pirker, Petri Sarvamaa, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommaria Uggias, Peter van Dalen, Dominique Vlasto, Artur Zasada		
Substitute(s) present for the final vote	Phil Bennion, Bogdan Kazimierz Marcinkiewicz, Anna Rosbach, Sabine Wils, Janusz Władysław Zemke		
Substitute(s) under Rule 187(2) present for the final vote	Peter Simon, Patricia van der Kammen		
Date tabled	15.11.2012		