May 3, 2023

Adina Vălean
Commissioner for Transport
Berlaymont
Rue de la Loi 200
Brussels

RE: Proposed Revisions to Regulation 95/93 on Slot Allocation

Dear Commissioner Vălean,

Airlines for America\(^1\) (A4A), on behalf of our members, are writing to highlight concerns regarding the potential policy options for revising Regulation 95/93 ("the Regulation"), presented by the Commission at a stakeholder session in Brussels on April 18, 2023. A4A members operate extensive services to the EU and have a strong vested interest in the rules governing slot allocation. Attached are comments that A4A submitted on March 7\(^{th}\) as part of the ongoing consultation on potential revisions to the Regulation.

As an initial matter, we take this opportunity to commend DG MOVE officials for the courtesy and professionalism that they have shown to A4A and its members. DG MOVE has engaged A4A in an open and constructive dialogue focused on finding appropriate solutions to the important issues facing the industry. We look forward to continued and productive dialogue to improve the passenger experience and to build a safe, secure and sustainable aviation industry.

It is in this collaborative spirit that we draw your attention to A4A's concerns regarding the potential revisions that the Commission is considering to the Regulation. We understand that the Commission may not convert these revisions into formal legislative proposals, but wanted to highlight our concerns now while you are deciding the best course of action.

First, the Regulation has facilitated the growth of a competitive aviation sector in the EU despite existing capacity constraints. According to the International Air Transport Association's (IATA) economic data, the slot process has delivered benefits for EU consumers in the form of lower fares, route diversity, enhanced connectivity and network development and increased competition and product choice. As a result of this solid record, we believe the focus should be on improving implementation of the current Regulation and do not believe that a major overhaul of its provisions is warranted at this time.

Second, we believe the proposed policies should be subject to more detailed consideration and analysis. In many cases, the problems that the Commission seeks to address are unclear. For example, the Commission concludes that "market foreclosure is not sufficiently prevented"

\(^1\) A4A is the principal trade and service organization of the U.S. scheduled airline industry. Members of the association are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.
without explaining what this statement means or presenting evidence in support. By the same
token, the solutions that the Commission offers to address are perceived problems which are
not clearly defined. For example, the Commission proposes to introduce “super-congested
airports” without identifying the criteria that qualify airports for this status and without publishing
any impact assessment of the associated risks and benefits. A4A and its members are
committed to assisting the Commission to craft effective solutions to defined problems.
Unfortunately, we are unable to do so because the perceived problems and suggested solutions
are too vaguely defined to facilitate meaningful input.

Third, the Regulation is broadly consistent with, and should remain faithful to, the Worldwide
Airport Slot Guidelines (“WASG”). Working through the Worldwide Airport Slot Board (“WASB”),
airlines, airports and slot coordinators developed the WASG as a practical and global solution
for allocating slots and are regularly finetuning the existing process to ensure that the WASG
remains the single global slot standard.

The vast majority of jurisdictions globally apply the WASG and it is key to the stable and efficient
operation of international aviation. All flights have an origin and a destination, frequently in
different jurisdictions and the system can only work through the application of consistent rules
across the globe, with a shared calendar, principles of allocation and rules for retention of slots.
On the other hand, a unilateral departure by the EU from the WASG could lead to mass
operational disruptions as airlines which adhere to the WASG at the non-EU end of a route lose
slots at the EU end of the route, leading to potential countervailing measures.

We estimate that about 80 percent of the policy options the Commission is considering depart
from the WASG and would isolate the EU from the globally adopted standard if adopted. For
example, a slot use rate of 85 or 90 percent, a minimum series length of 10 weeks, a prohibition
of pre-baseline slot returns, slot reservation fees and slot auctions are inconsistent with the
WASG. To ensure that the EU acts in a manner consistent with internationally accepted
standards, we respectfully request that any revisions that the Commission does propose are
aligned with the WASG.

Fourth, the Regulation is aligned with the Green Deal as it is designed to better manage
congestion and reduce delays, and therefore emissions, at Level 3 airports. However, some
proposals run contrary to the EU’s green objectives, for example green slots may incentivize
airlines to use aircraft which are less suited for a specific market, such as potentially deploying
larger aircraft, which are more fuel-efficient and/or meet more stringent ICAO certification limits,
but which consume more fuel or emit more noise in absolute terms.

This is also highlighted in proposals to increase the 80 percent threshold, as airlines would be
forced to protect their slots by operating on days, primarily holidays, when there has been a lack
of demand. This outcome does not make economic sense, runs contrary to the EU’s objectives
to protect the environment and reduce fuel consumption. Rather than these changes, our belief
is that there should be a focus on expanding airport capacity and air traffic management to
accommodate growing demand. In this regard, we applaud the Commission’s efforts to
champion implementation of the Single European Sky (“SES”). SES would allow for additional
flying by generating greater efficiencies. Consistent with its approach to promoting SES, the
Commission should take a holistic approach and consider simultaneously a broad range of
interrelated policy areas essential to a safe, secure, competitive and sustainable aviation
industry including in the areas of ground handling and airport charges.
Fifth, the Council and the Parliament have rejected some of the proposals that the Commission is considering. For example, when revisions to the current Regulation were last being considered, both the Council and the Parliament rejected proposals to increase the minimum use threshold to 85 percent as well as a proposal to increase the minimum series length. We have no reason to believe that these institutions have changed their positions. Indeed, it is our understanding that some Member States do not agree that revisions are needed at this time or disagree with the policy options under consideration.

Sixth, we are concerned that U.S. airlines could suffer a disproportionate impact if some of the proposed policy options are adopted. EU hub carriers have the staff and fleet needed to adjust to additional restrictions such as the proposed 85 percent slot utilization threshold. U.S. carriers do not enjoy the same flexibility because they do not base aircraft and crew at airports across Europe. In addition, EU carriers are subject to few slot restrictions when operating to the United States. And the WASG applies when they do operate to a U.S. coordinated airport, meaning they are not subject to the additional restrictions that the Commission is considering. The disproportionate impact that the proposed revisions would have on U.S. airlines may violate the market access and fair and equal opportunity to compete guarantees enshrined in the U.S.-EU Air Transport Agreement ("ATA").

In sum, A4A believes that the Regulation is working effectively and that revisions are unwarranted. Before proposing revisions, we respectfully request the Commission conduct a full analysis of the problems that need to be addressed and a meaningful impact assessment of the proposed solutions in consultation with stakeholders. Finally, any revisions the Commission does propose should be consistent with the WASG and the U.S.-EU ATA.

Thank you for your kind attention. I look forward to meeting you in person at the A4A offices during your upcoming visit to Washington D.C.

Sincerely,

Airlines for America
Slot Regulation impact assessment questionnaire

Fields marked with * are mandatory.

Introduction

This questionnaire has been developed as part of the support study for the impact assessment of potential changes (https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13528-Allocation-of-EU-airport-slots-review-of-rules_en) to the Council Regulation (EEC) No 95/93 of 18 January 1993 (https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:31993R0095) on common rules for the allocation of slots at Community airports (the “Slot Regulation”). The aim of the study is to support the European Commission (Commission) by providing it with a robust evidence base to analyse the options for the revision of the Slot Regulation.

As part of the study, we are consulting with a wide range of stakeholders to collect views on a range of issues. Stakeholders include national authorities (ministries of transport, civil aviation authorities, and competition authorities), air carriers and their associations, airports and their associations, slot coordinators and their associations, consumer associations, environmental associations, ground handling companies and their associations, trade unions and their associations, the Network Manager, travel agents and ticket distributors, and investors. Through this questionnaire, the Commission invites all concerned stakeholders to express their views and provide relevant data or evidence for the study.

Transparency and confidentiality

The contributions received from this questionnaire will be used for analytical purposes in a qualitative and/or quantitative way, and to provide an overview of stakeholders' views on the topics included in the Terms of Reference of the study.

All information and/or data provided to Steer will be shared with the Commission and may be included in Steer’s final report, except where there are specific confidentiality requirements identified. Information/data which stakeholders consider as confidential will not be made publicly available or identifiable. Please note that your individual non-anonymised responses will be made available to the Commission with a retention period of five years.

Please identify any response provided that you wish to remain confidential by inserting “CONFIDENTIAL” at the start of each of your responses in the response box.

Overview
There are six sections to this questionnaire:

- Section 1: Respondent background.
- Section 2: Issues with the current slot framework.
- Section 3: What should be achieved by a revision of the current framework?
- Section 4: What policy actions should be taken to achieve these objectives?
- Section 5: Estimation of costs and benefits.
- Section 6: Other.

If a question is not relevant to your organisation, please select 'No opinion' in the multiple choice option or write 'N/A' in the text boxes.

The session times-out after 1 hour of being inactive. Please use the 'Save as Draft' function to the right at the top of the survey, if required to save your responses and return to them later.

Questions and contact point

For any queries related to this questionnaire, please contact [REDACTED], tel. [REDACTED]

Respondent

1. Please enter the name of your organisation:
   Airlines for America

2. Please enter your name:
   [REDACTED]

3. Please enter your email address:
   [REDACTED]@airlines.org

4. Please enter your job title:
   [REDACTED]

5. Which of the following categories best describes your organisation?
   Other, please specify

   Other: please specify
   Business association
Issues with the current slot framework

The Commission conducted an open public consultation from 29 August 2022 until 21 November 2022. The Commission services have since then rephrased and simplified the problem definition and provisionally defined two problems which may need to be addressed through a policy initiative, based on the findings of the 2020 fact-finding study on the functioning of the Slot Regulation and other evidence:

1. **Airport capacity is not always used efficiently:** Fair and undistorted competition between air carriers is the main driver of the efficient use of airport capacity, where this capacity is used by carriers to operate services in accordance with consumer demand, without such capacity being foreclosed by the airport itself or by competitors. This efficient use is hampered by the market structure of “coordinated airports” where demand significantly exceeds capacity and barriers to entry for carriers are high. The main aim of the Slot Regulation is to ensure transparent and non-discriminatory access to airports to foster competition which ultimately drives benefits for consumers in terms of services, connectivity and air fares. *[It should be noted that satisfying consumer demand does not always ensure that certain public interests are sufficiently taken into account e.g. regional connectivity, evolving environmental concerns. Thus, sometimes adjustment through administrative intervention may be necessary. This is covered in the second problem.]*

Capacity is not always used efficiently for the following reasons:

- **Capacity determination** is an essential starting point for any airport. In the current Slot Regulation, it is not clear who determines this capacity and how, and there is not always independent regulatory oversight. This creates a risk of capacity being artificially withheld from the market, reducing competition, or being over-declared, resulting in congestion and delays.

- **Market foreclosure is not sufficiently discouraged:** Late handback of slots and slot misuse are not sufficiently discouraged, enabling incumbent carriers to foreclose new competitors or the expansion of existing ones at coordinated airports. In addition, the existing new entrant rule (pre-temporary COVID-19 amendment) does not appear to sufficiently encourage the new entry and growth of competitors. Furthermore, airline groups with multiple airline operating licences can misuse the new entrant rule by utilising a carrier which qualifies as a new entrant to obtain new slots before transferring these to another non-qualifying carrier within the group after two years. The transferring of slots through “joint operations” which can mean between joint venture, alliance but even less integrated arrangements, keeps slots out of the pool and thus reduces competition. The interpretation of the slot handback and cancellation rules means that in some cases carriers can operate 64% of their allocated slots in a season and retain historic rights. In some cases, there are concerns that slot coordinators are insufficiently independent and/or lack the capability to monitor and enforce slot allocation effectively. The reservation of slots for airlines that are winding down or have ceased operations, but retain a temporary operating licence, also leads to foreclosing of airport capacity.
- **Non-harmonised implementation by slot-coordinators**: Experience during the COVID-19 crisis showed that the lack of harmonisation among slot coordinators in interpreting force majeure provisions (i.e. justified non-use of slots (JNUS)) causes uncertainty for carriers and prevents the achievement of a level playing field and fair competition. More widely, a lack of coherence and transparency in the implementation of the Slot Regulation by coordinators has also been highlighted as an issue.

- **Insufficient data sharing between stakeholders**: Transparency and data sharing between stakeholders (airlines, slot-coordinators, airports, air traffic control, the Network Manager) are necessary requirements to guarantee optimal slot allocation. Airlines have claimed there is insufficient on-the-day visibility of slots, airports have claimed they receive insufficient information to determine whether airline operations correspond with airports’ aims in terms of business plan and network development.

- **Lack of flexibility to deal with crisis situations**: Experience during the COVID-19 crisis showed that the Regulation is not suitable to deal with severe demand shocks, leading to a number of urgent amendments to restore the balance between efficient use of airport capacity and competition on the one hand, and security of slot portfolios for airlines on the other.

2. **The Slot Regulation is no longer aligned with some Union objectives**: these include alignment with other initiatives (e.g. the Single European Sky mainly when it comes to data sharing between stakeholders); the objectives of the Slot Regulation itself, which cannot be ensured in the case of severe demand shocks (lack of flexibility in times of crisis); and objectives relating to improving connectivity and taking into account environmental concerns.

**Problem definition**

6. Please indicate the extent to which you agree that the first problem identified is important: “Airport capacity is not always used efficiently”:

   Disagree somewhat

7. In what circumstances is airport capacity not used efficiently? What are the key gaps in the existing regulatory framework on slots that result in airport capacity not being used efficiently? Please explain your response, providing supporting information/examples where possible.

   Please see full response in the attached document

8. Please indicate the extent to which you agree that the second problem identified is important: “The Slot Regulation is no longer aligned with some Union objectives”. Some of the potentially relevant objectives include connectivity and environmental objectives, alignment with other initiatives (e.g. the Single European Sky), and objectives around flexible and responsive rule-making:

   Disagree somewhat
9. In your view, which Union objectives is the Slot Regulation no longer aligned with and under what circumstances? Please explain your response, providing supporting information/examples where possible.
We believe that the Regulation is broadly aligned, but could be improved to be more aligned, with EU objectives. Below, we address the issues raised above.

Connectivity and Competition: The evidence suggests that the slot allocation system in Europe has led to greater connectivity, competition and consumer choice. According to an IATA economic review of intra-EU routes:

- The average fare declined by 21% between 2011 and 2019, without adjusting for inflation. During the same period, the average fares on flights departing the 16 Level 3 airports under review also decreased.
- In the years 2009 to 2019, the connectivity of the 16 airports examined in the IATA review increased by between 38% and 107%.
- The number of intra-European routes increased from 14,502 in 2009 to 19,114 in 2019. In 2009, 63% of intra-EU routes were operated by a single carrier. This number has reduced to 60% by 2019. It should be noted that although 60% of routes are operated by a single carrier, these routes represent only 26% of passengers and 24% of available seats.
- Low cost airlines (LCCs) have increased their share of overall intra-EU flights from 34% to 44% between 2009 and 2019. In the same period, they increased their share of flights at the 16 airports canvassed from 22% to 29%.

SES: We are willing to engage in better data sharing if it enhances ATM. However, failure of political leadership rather than any deficiency in the Regulation is responsible for continued failure to realize the well-documented benefits of the SES2+ project. SES would allow for additional flying by generating greater operational efficiencies.

Although not directly raised in the question, we oppose proposals to integrate slot coordination with the SES2+ by improving consistency between airport slots and flight plans. Any effort to formally link the two should be rejected for legitimate operational reasons. Airport slots are allocated months in advance and the flight plan on the day of the flight may deviate from the airport slot because of circumstances beyond the airline’s control, including weather conditions and ATM decisions. Cancellation of flight plans and loss of slots in these circumstances would ignore the operational realities that airlines face on a day-to-day basis.

Environment: The Regulation is aligned with the EU Green Deal objectives because it is designed to better manage congestion and reduce delays, and therefore emissions, at Level 3 airports. In this regard, A4A members are implementing extensive measures to reduce their carbon footprint and are making significant investments in new aircraft, including electric aircraft, and sustainable aviation fuel (“SAF”). Our members had already committed to net zero CO2 emissions by 2050 when ICAO adopted the long-term aviation goal (“LTAG”) at its Assembly in October 2022. A4A members are also taking the necessary steps to implement the Carbon Offsetting and Reduction Scheme for International Aviation (“CORSIA”) and are fully committed to achieving its important objectives.

As set out more fully below, the Regulation is an inappropriate vehicle to achieve the EU’s environmental objectives. Other more appropriate instruments are designed to achieve these objectives, including CORSIA, EU ETS and other legislation navigating the legislative process as part of the EU Green Deal.
10. In your view, are there any other problems relating to the way in which airport slots are allocated, not covered by the two problems which have been identified by the Commission services, namely “Airport capacity is not always used efficiently” and “The Slot Regulation is no longer aligned with Union objectives/policies”? Please explain your response, providing supporting information, data and examples where possible.

We believe better enforcement of two existing provisions of the Regulation would lead to a more efficient allocation of slots. First, under the Regulation, the responsible Member State must ensure that a coordination committee is set up at a coordinated airport. These coordination committees are important because they facilitate dialog between stakeholders and help to ensure that local rules are not being developed in isolation. Airports should use this forum to consult on the capacity declaration and on ways to increase capacity.

Coordination committees exist at most but not all coordinated airports. At some airports where they do exist, airline representatives find it difficult to participate because proceedings are conducted in the local language rather than in English, the language of aviation. The Commission should require Member States to (1) establish slot coordination committees at Level 3 airports where they do not exist and (2) prescribe a process that facilitates active participation by airlines and other stakeholders.

Second, airports should be required to perform regular and thorough capacity analyses. Under the Regulation, an airport must conduct a thorough capacity analysis before becoming schedules facilitated or fully coordinated. A number of EU airports have declared themselves congested without fulfilling this requirement. In addition, there are airports that should not be Level 3 because they have adequate capacity available. Government failure to take corrective action in this area results in unnecessary costs for airlines and passengers through excessive rigidity in schedule planning and slot use.

Problem drivers

Problem drivers are the underlying causes of problems. The Commission services have provisionally defined the possible problem drivers listed below based on the findings of the 2020 fact-finding study on the functioning of the Slot Regulation and other evidence.

Please state whether you agree or disagree with the following problem drivers and explain your response.

11. Airport capacity is not adequately determined.

11.i. Do you agree or disagree that this problem driver underlies the problems specified above?

Strongly agree

11.ii. Please explain your response (using examples where relevant).
11.iii. How prevalent or widespread do you think this is?

Failure to perform an adequate capacity determination is a frequent occurrence at EU airports.

11.iv. What do you think the causes behind this are?

The primary reason is the failure by airports to perform the capacity declaration and the failure by Member States to enforce these requirements.

12. Market foreclosure (i.e. actions that limit slot mobility and access to airport capacity) is not sufficiently prevented.

12.i. Do you agree or disagree that this problem driver underlies the problems specified above?

Strongly disagree

12.ii. Please explain your response (using examples where relevant).

See response to 7.

12.iii. How prevalent or widespread do you think this is?

See response to 7.

12.iv. What do you think the causes behind this are?

See response to 7.


13.i. Do you agree or disagree that this problem driver underlies the problems specified above?

Agree somewhat

13.ii. Please explain your response (using examples where relevant).
See response to question 7.

We believe that closer cooperation between coordinators is needed to uphold the objectives of the Regulation, ensure the uniform and coordinated application of EU rules, and maintain a level playing field. We respectfully request the Commission to issue guidelines which detail how this cooperation can best be achieved.

We also support the adoption of the recommendation of the Worldwide Airport Slot Board ("WASB") on COVID-19 when dealing with future crises. WASB enjoys support from countries globally and is an example of industry-led response that has provided coordinators with practical guidance on how to manage the impact of a temporary capacity reductions.

13.iii. How prevalent or widespread do you think this is?
Regularly during COVID-19.

13.iv. What do you think the causes behind this are?
Lack of collaboration between coordinators as the Commission correctly surmises.

14. Insufficient data sharing between stakeholders.

14.i. Do you agree or disagree that this problem driver underlies the problems specified above?
Neither agree nor disagree

14.ii. Please explain your response (using examples where relevant).
See Response to 7.

A4A members are willing to share data if it improves the efficiency of the slot allocation system. However, transparency is not without limits. For example, the fact that a trade has taken place should be made public but the parties should not be required to publish the terms of the transaction. Invariably the terms are subject to a confidentiality agreement because they contain business-sensitive information, the publication of which would harm the parties’ commercial interest and deter them from engaging in the exchanges in the first place. Specifically, the “price tag” often involves non-cash compensation, including interline agreements, route authority agreements, gates and other airport assets, slots and facilities at the same or other airports. Because only the airlines involved will understand the value of these categories of non-cash consideration, it is difficult to understand what public interest would be advanced by requiring the parties to publish this business-sensitive information. In this regard, the Steer study also evaluated the forced disclosure of traded prices. However, the study did not recommend adoption “because there is a risk that these would reduce the number of trades and hence the benefits of secondary trading. In addition, requirements on transparency of price information would be impractical to enforce.”

In addition, coordinators should not be forced to publish detailed explanations of individual slot allocation decisions because this would invite litigation and second-guessing to the detriment of the process. Transparency and trust in the fairness of the process would be improved through, e.g., publication of criteria used by a coordinator when allocating slots.

With these limited caveats, A4A is willing to explore how more extensive data sharing between stakeholders can enhance the use of airport capacity.

14.iii. How prevalent or widespread do you think this is?

See response to 7.

14.iv. What do you think the causes behind this are?

See response to 7.

15. Lack of flexibility to deal with crisis situations.

15.i. Do you agree or disagree that this problem driver underlies the problems specified above?  

Strongly agree

15.ii. Please explain your response (using examples where relevant).
A4A supports the comprehensive and flexible approach that the WASB recommended for managing COVID. In particular, WASB encourages (1) greater consistency in the application of JNUS by encouraging coordinators at both ends of routes in question to arrive at an aligned position and with aligned procedures and (2) the provision of timely and accurate information to airlines on the handling of JNUS requests to assist with the planning process. The WASB’s underlying premise is that coordinators should be able to react quickly when crisis or demand shocks require alternative and more flexible approaches. Regulators globally applied these recommendations to good effect during the COVID crisis.

We encourage the Commission to propose amendments to align the Regulation with the WASB so that coordinators are able to react quickly when crisis or demand shocks require alternative and more flexible approaches.

We also believe that the Regulation should empower the Commission to adopt delegated acts, in consultation with stakeholders, that follow the WASB recommendations. This would allow the Commission to act quickly and flexibly in response to sudden shocks to air traffic demand.

15.iii. How prevalent or widespread do you think this is?
During COVID, the problem was frequent, widespread and extensive.

15.iv. What do you think the causes behind this are?
Lack of flexibility, as the Commission correctly surmises.

16. Connectivity concerns are not sufficiently taken into account.

16.i. Do you agree or disagree that this problem driver underlies the problems specified above?
Strongly disagree

16.ii. Please explain your response (using examples where relevant).
The Regulation and the WASG prescribe a range of criteria that the coordinator can take into account when making a slot allocation system. In this regard, the Regulation and WASB identify connectivity as one of several allocation criteria.

The evidence suggests that the Regulation does promote connectivity. Under the Regulation, the proportion of routes served by multiple carriers has increased and regional and international connectivity has improved. In fact, the evidence demonstrates that the current process enables a highly competitive marketplace, where new entrant airlines, including LCCs, provide strong competition and connectivity at congested airports. According to IATA, LCCs now deliver 40% of Europe’s direct connectivity (2021/22) – up from 27% pre-pandemic and their market share at Group 1 Hub Airports grew from 31% to 50% during the pandemic. Further, European and U.S. low-cost carriers have demonstrated their ability to enter the U.S. - EU market and compete.

16.iii. How prevalent or widespread do you think this is?

N/A

16.iv. What do you think the causes behind this are?

N/A

17. Environmental concerns are not sufficiently taken into account.

17.i. Do you agree or disagree that this problem driver underlies the problems specified above?

Strongly disagree

17.ii. Please explain your response (using examples where relevant).
The Regulation is aligned with the Green Deal because it is designed to better manage congestion and reduce delays, and therefore emissions, at Level 3 airports. The WASG has explained how the slot process already supports the industry’s environmental objectives through its existing policies.

As noted earlier, A4A is strongly committed to reducing aviation’s impact on the environment. However, several reasons counsel both individually and collectively against using the Regulation as an instrument to implement environmental policy.

First, other policy instruments co-exist with the Regulation to fulfill the European Green Deal objectives, including CORSIA, EU ETS and the package of legislative measures that the EU is currently considering, including RefuelEU Aviation. In view of those existing measures designed specifically to address aviation’s environmental impact, we do not believe that linking the allocation of slots to the environmental performance of aircraft is an appropriate means to achieve the desired environmental objectives.

Second, it is well-established that there are trade-offs and interdependencies between various environmental measures. For example, technical measures which mitigate the noise impact of aircraft may result in an increase of CO2 emissions. Consequently, if slots are allocated based on one environmental metric, they may have a negative impact on other environmental objectives.

Third, green slots may incentivize airlines to use aircraft which are less suited for a specific market. To increase their chances of securing green slots, airlines may deploy larger aircraft, which are more fuel-efficient and/or meet more stringent ICAO certification limits, but which consume more fuel or emit more noise in absolute terms. Equally, airlines would lose the flexibility they need in planning their operations resulting in sub-optimal use of capacity if green slots were required.

Fourth, green slots may distort competition between airlines. In particular, a home-based carrier will have little choice but to use all of their fleet at the hub airport and may lose out in the quest for slots to a non-home-based carrier that strategically deploys more efficient aircraft at the airport in question to game the slot system.

Fifth, the introduction of green slots is inconsistent with some well-established principles of slot allocation enshrined in the WASG. In particular, it is unclear how the introduction of green slots can be reconciled with the principle that historic slots must be given the first priority in slot allocation. This principle is key to encouraging airlines to invest in new routes and to creating schedule certainty for both airlines and the traveling and shipping public.

Sixth, because green slots restrict or limit aircraft access to an airport, they amount to operating restrictions and, as such, must satisfy the Balanced Approach enshrined in international air transport agreements ("ATAs"), including the U.S.-EU ATA. Specifically, under the Balanced Approach, operating restrictions should not be introduced:
- As a first resort but only after a full assessment of available measures.
- If they do not address the noise problem in the most cost-effective manner.
- Without prior consultation with relevant stakeholders, including airlines.
To ban aircraft that comply with noise standards prescribed in Volume I, Chapters 4 and/or 14 of Annex 16 of the Chicago Convention.

For the reasons stated above, which are not exhaustive, we strongly object to the concept of green slots and believe the concept is unworkable and raises several important legal, policy and operational concerns.

We believe that implementation of SES would achieve far greater environmental benefits than any changes to the Regulation and should be the EU’s top priority.

17.iii. How prevalent or widespread do you think this is?

N/A

17.iv. What do you think the causes behind this are?

N/A

18. What other drivers of the problem(s) identified above should be considered? Please explain and provide any information to support your response.

N/A

What should be achieved by a revision of the current framework?

The overarching aim of the revision is to achieve fair access and efficient use of airport capacity to ensure competition and enhance connectivity for the benefit of consumers and regional economic development. Commission services have provisionally defined the possible specific objectives of a revised Slot Regulation. These possible specific objectives are listed below and are based on the findings of the 2020 fact-finding study on the functioning of the Slot Regulation and other evidence.

Please state for each objective whether you agree or disagree that it should be considered and why.

19. Ensure adequate determination of airport capacity and overall prevent foreclosure of capacity.

19.i. Do you agree or disagree that this objective should be considered?

Strongly agree

19.ii. Please explain your rationale for agreement/disagreement
As set out in the response to 7, we believe that an adequate determination of capacity at each airport is the single measure that would lead to the greatest increase in available capacity at EU airports absent infrastructure expansion. The Commission can best achieve this by enshrining the relevant provisions of the WASG in the Regulation. This is a ready-made solution that would align the EU with best practices globally.

20. Ensure adequate determination of airport capacity and overall prevent foreclosure of capacity.

20.i. Do you agree or disagree that this objective should be considered?

Strongly agree

20.ii. Please explain your rationale for agreement/disagreement

As set out in response to 7, coordinators would achieve more effective and coherent implementation of the Regulation if the Regulation contained provisions which (1) prescribe independence criteria; (2) ensure that coordinators have adequate resources to perform their responsibility; (3) provide greater opportunities to share intelligence and best practices with other coordinators across the Union perhaps under Commission auspices; and (4) include policies which are aligned with fair competition and equal market access guarantees enshrined in ATAs.

21. Ensure transparency of the slot allocation process.

21.i. Do you agree or disagree that this objective should be considered?

Agree somewhat

21.ii. Please explain your rationale for agreement/disagreement
The transparency of the allocation process and the independence of the coordinator are fundamental pillars of the WASG. They are also key provisions of existing regulations and best practices worldwide.

The WASG promotes transparency in a number of ways. WASG 8.4 makes clear to all stakeholders the additional criteria to be applied in slot allocation when slots cannot be allocated using the primary criteria. WSG 9.3.2 and 9.9.6 also promote transparency by mandating that coordinators make coordination data available to airlines, airport managing bodies, and other interested parties.

As noted in our response to 7, transparency should not infringe on airline confidentiality, however. There may be times when airline plans and strategies need to be shared with the coordinator, but commercial sensitivities need to remain confidential.

Further, as noted in response to 14, coordinators should not be forced to publish detailed explanations of individual slot allocation decisions, but transparency may be improved through, among other things the publication of slot coordinator guidance concerning the allocation of slots and the implementation of existing industry guidance that promotes minimum standards for slot allocation data publication.

22. Make the legal framework resilient/flexible to deal with crises.

22.i. Do you agree or disagree that this objective should be considered?

**Strongly agree**

22.ii. Please explain your rationale for agreement/disagreement

See response to 15.

23. Take into account connectivity needs in slot allocation.

23.i. Do you agree or disagree that this objective should be considered?

**Agree somewhat**

23.ii. Please explain your rationale for agreement/disagreement

See response to 16.

24. Take into account environmental concerns in slot allocation.

24.i. Do you agree or disagree that this objective should be considered?

**Strongly disagree**
24.ii. Please explain your rationale for agreement/disagreement

See response to 17.

25. Please indicate any other objectives that in your view should inform policy development in the field of slot allocation

The preservation of existing grandfather rights is an additional and important objective to ensure the stability of airline operations. Airlines make significant capital investments in airports based on the assurance that they will be able to recoup this investment by operating schedules over multiple traffic seasons because of the historic rights they enjoy under the Regulation. This certainty also benefits passengers by providing them with reliable schedules.

What policy actions should be taken to achieve these objectives?

There are many possible policy measures that could achieve the provisional objectives defined by the Commission services. In the section below, we would like to understand what your views are on some possible measures for achieving each of the provisional objectives. The possible measures are defined as CHANGES to the current regulatory framework.

Please provide your views on the contribution of these possible measures to achieving the objectives.

Measures on adequately determining airport capacity

26. PM1.1 - Align the capacity analysis requirements with the provisions in the Worldwide Airport Slot Guidelines (WASG) (https://www.iata.org/en/programs/ops-infra/slots/slot-guidelines/) and ensure it is undertaken thoroughly and regularly.

26.i. What is the contribution of this measure to achieving the objectives?

Very strong contribution

26.ii. Please explain your choice of contribution

See response to 8. Article 6.1 of the WASG prescribes provisions relating to capacity analysis that the Regulation should incorporate.

26.iii. What would you consider "thorough" methodologies for the capacity analysis?

Chapter 6 of the WASG sets out the appropriate methodology.

26.iv. How regularly should the capacity analysis be undertaken?
We believe that a capacity analysis should be conducted consistent with Article 6.1 of the WASG, i.e., “whenever there are significant changes in airport infrastructure, operational practices, or patterns of demand.”

27. PM1.2 - Require an independent regulator (such as a Civil Aviation Authority) to approve the capacity declaration/coordination parameters twice yearly (i.e. on a seasonal basis).

27.i. What is the contribution of this measure to achieving the objectives?

Very strong contribution

27.ii. Please explain your choice of contribution

A4A believes that independent oversight will help to ensure that the capacity declaration is carried out thoroughly and on a timely basis. We also believe that the capacity declaration should be conducted prior to every traffic season because airlines make scheduling decisions on a seasonal basis.

27.iii. Which independent body would be best placed to do this?

The aviation regulator in each Member State is best placed to perform this oversight role as part of its regular oversight responsibilities for airport and airline activities and compliance with ATAs. The role that the Irish Commission for Aviation Regulation in the capacity declaration process is a good example to follow.

28. PM1.3 – Define “super-congested coordinated airports” at which specific rules will apply.

28.i. What is the contribution of this measure to achieving the objectives?

No contribution

28.ii. Please explain your choice of contribution

We do not support the creation of a “super-congested airport” category because it suggests that different allocation rules would apply at different ends of a route. Given the global nature of the industry, the WASG should be applied consistently at congested airports. A departure from the WASG will mean that airlines may be treated differently at either end of a route between the EU and a third-country such as the United States. This could lead to operational disruption and legitimate claims of discrimination from third countries. We believe that the central focus of this review should be to update the Regulation to reflect WASG standards.

28.iii. What criteria should apply for the specification of super-congested coordinated airports?

N/A
Measures on sufficiently preventing market foreclosure

29. PM2.1 - New entrants: Make the definition from the COVID amendment (Regulation 2022/2038 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2038)) permanent, which specifies: New entrant is an air carrier holding fewer than 7 slots on that day (increased from 5); fewer than 9 slots on that day on that route for a route between two Union airports where at most two other carriers operate on that day on that route; a carrier that together with parent or subsidiaries holds more than 10% of slots is not a new entrant.

29.i. What is the contribution of this measure to achieving the objectives?

Limited contribution

29.ii. Please explain your choice of contribution

The Commission should follow the WASG definition of “new entrant” to ensure it adheres to a globally accepted definition. The Commission proposals use 7 slots on a given day instead of 5 slots, consistent with the WASG. However, the proposed definition also includes route level prioritization for intra-EU routes and a limitation to a carrier that together with parent or subsidiaries holds more than 10% of slots. These additional provisions are inconsistent with the WASG. In particular, the intra-EU route priority is inconsistent with WASG because the WASG does not differentiate slots by route.

In addition, we do not believe that prioritizing intra-EU routes is consistent with the fair and equal opportunity to compete clause found in the U.S.-EU and other ATAs because it places airlines that do not operate intra-EU routes at a competitive disadvantage in the slot allocation process. In this regard, no U.S. combination carrier operates services on an intra-EU route.

Ring-fencing is also an artificial market distortion which leads to a less efficient use of capacity because less capacity is allocated to routes where demand can be best served. As a result, it will have an adverse impact on an airport’s connectivity, which was built and then fine-tuned by consumer demand over many decades. To avoid these adverse consequences, a detailed impact assessment and cost benefit analysis should be undertaken on the effects of implementing such a policy, including any adverse economic and competitive impacts. The analysis should also look at alternatives to ring-fencing such as Public Service Obligation routes to secure operations on otherwise unserved or under-served routes.

30. PM2.2 - Give the same priority to the re-timing of historic slots and the allocation of pool slots (as opposed to the current situation where historic slots can be re-timed first slots are allocated from the pool to new entrants and other applicants).

30.i. What is the contribution of this measure to achieving the objectives?

Very strong contribution

30.ii. Please explain your choice of contribution
The Regulation should incorporate Article 8.3.3.3 of the WASG which confers the same priority on retame requests (or other changes to historic slots) as to new slot requests, with 50% of slots in the pool to be allocated to new-entrant requests and the other 50% to non-new-entrant requests. We believe that combined with the new entrant definition, this change strikes the appropriate balance between (i) providing access priority to new entrants and enabling their growth and (ii) ensuring stability for growth and investment among incumbent carriers, including larger carriers that are best placed to compete with the hub or lead carrier at an airport. Inclusion of these provisions in the Regulation would strengthen airline competition.

31. PM2.3 - Clearly prohibit “double-dipping” (which gives air carriers the possibility of gaining full historical precedence on slot series, when theoretically only 64% of the slots allocated at the Slot Allocation Listing (SAL) date (https://www.iata.org/en/programs/ops-infra/slots/slot-guidelines/) have been operated (as in some instances it is possible for carriers to cancel 20% of their allocated slots before the Historics Baseline Date (HBD) and a further 20% after HBD, without affecting the eligibility for historic precedence).

31.i. What is the contribution of this measure to achieving the objectives?
No contribution

31.ii. Please explain your choice of contribution
See response to 7.

32. PM2.4 - Increase series length from 5 slots:
PM2.4.a To a minimum of 10 slots in winter and 15 slots in summer at all coordinated airports.
PM2.4.b Through local rules.
PM2.4.c To a minimum of 10 slots in winter and 15 slots in summer only at “super-congested coordinated airports”.

32.i. Which of these specific “PM2.4 – increase series length” measures (a, b or c) would you prefer to see implemented?
- a
- b
- c

32.ii. What is the contribution of this measure to achieving the objectives?
No contribution

32.iii. Please explain your choice of contribution
A minimum series length of five weeks has proven to provide enough flexibility to meet varying types of consumer demand for different types of airlines. Importantly, it prevents airlines from being forced to fly where there is limited demand in order to meet an artificial minimum series length. While the length of a series is five weeks, many airlines operate a full season in excess of that minimum.

In 2018, the Historic Determination Task Force (HDTF) of the Strategic Review – composed of airlines, airports, and coordinators – was tasked with reviewing the determination of historic precedence. Based upon data supplied by slot coordinators, it was shown that 94% of slot series were at least 90% utilized. The minority 6% represented slot series utilized between 80–89%. In light of this data, the HDTF did not recommend any change to the length of a series or to the 80/20 utilization threshold.

When considering the 2011 proposed revisions, the Parliament and Council supported retention of the current series length for the reasons articulated above. We have no reason to believe that either institution has changed its position and respectfully request the Commission to adhere to the current series length.

33. PM2.5 - Increase utilisation threshold from 80% of each slot series:
   PM2.5.a To 85% of each slot series at all coordinated airports.
   PM2.5.b To 90% of each slot series at all coordinated airports.
   PM2.5.c To 90% of each slot series only at “super-congested coordinated airports”.
   PM2.5.d To 90% across all slots held by air carriers at each coordinated airport, with no individual slot series below 80%.

33.i. Which of these specific “PM2.5 - increase utilisation threshold” measures (a, b, c or d) would you prefer to see implemented?
   ○ a
   ○ b
   ○ c
   ○ d

33.ii. What is the contribution of this measure to achieving the objectives?
   [No contribution]

33.iii. Please explain your choice of contribution
We oppose changes to existing historic determination principles including the 80/20 rule. Grandfather rights are the bedrock of the current Regulation, WASG and global slot policy, allowing airlines the right to access scarce infrastructure for flights from one season to the next if they demonstrate they have used the slot consistent with the 80/20 rule. The 80/20 rule has achieved high utilization of scarce airport capacity by providing investment certainty, encouraging airlines to match schedules with demand and facilitating a level playing field globally. Moreover, the rule allows consumers to rely on convenient schedules that are consistent from one season to the next and reliable in terms of their operability.

Increasing the 80% use threshold would be counterproductive to promoting optimal slot use. If historic precedence were linked to a stricter utilization rule, some airlines would be forced to operate more slots but with lower demand. The operation of commercially unviable flights will raise costs to the consumer, generate unnecessary GHG emissions and restrict the ability for slots to be reallocated to other airlines who may be able to make better use of the slots.

As noted in the preliminary comments, increasing the minimum use threshold would have a disproportionate impact on non-EU carriers because they do not have the same flexibility to adapt to the stricter threshold as EU carriers. By way of one example only, even a short delay for mechanical reasons can cause crew members operating a long-haul flight to exceed their crew working hours. This will force a non-EU airline to postpone the flight until the following day because it will not have crew stationed in the EU who can operate the flight. The coordinator will classify this slot as not operated. By contrast, EU carriers are subject to few slot restrictions in the United States and even where they do operate to coordinated airports, 80% will remain the minimum slot use threshold. Given the potential for discriminatory treatment, we will ask U.S. DOT to directly engage the Commission to ensure that stricter slot restrictions are not applied to U.S. carriers where they violate the fair and equal opportunity to compete or market access guarantees enshrined in the U.S.-EU ATA.

As noted earlier, several EU coordinators have abandoned the practice of allowing the pre-HBD slot returns without the returned slots counting towards their 80% slot use requirement. In these circumstances, increasing the 80% threshold would force airlines to protect their slots by operating on days, primarily holidays, when there has been a lack of demand. This outcome does not make economic sense, runs contrary to the EU’s objectives to protect the environment and reduce fuel consumption.

It should be noted that in their deliberations on the Commission’s 2011 proposals to revise the Regulation, both the Parliament and the Council supported retention of the 80% slot use minimum. Again, there is no reason to believe that these institutions have changed their positions on this issue.

33.iv. Do you think JNUS provisions should be changed/broadened in conjunction with increasing the utilisation threshold? How?

We do not agree with any increase in the use threshold and believe that it violates the fair competition and market access guarantees enshrined in the U.S.-EU ATA.
33.v. How do you see this interacting with the group of measures on increasing the series length (PM2.4)?

The combination will force airlines to operate unsustainable flights to preserve their grandfather rights, raising costs to consumers and causing unnecessary GHG emissions.

33.vi. How do you see PM2.5d interacting with the group of measures on the new entrant definition (PM2.1)?

A higher utilization threshold will have a negative impact on new entry. The new entrant's incentive to test and invest in a market will be reduced if the utilization threshold is raised.

34. PM2.6 - Secondary trading:

PM2.6.a
Allow secondary trading of slots by air carriers with safeguards (e.g. restrict the proportion of slots which an incumbent could hold, pre- and post-trade transparency, prohibit non-compete clauses and other restrictive covenants) at all coordinated airports and require coordinators to facilitate it under a single and uniform legal framework. Secondary trading to be facilitated without necessarily requiring an exchange of slots to take place.

PM2.6.b
As above (PM2.6a), including setting up a transaction mechanism that enables part of the slot trade value to be directed to an environmental fund at the coordinated airport where the transaction took place for the greening of its infrastructure. The amount of support for the greening investment from such funds would need to be transparent and could not be recovered again in the form of airport charges.

34.i. Which of these specific “PM2.6 - secondary trading” measures (a or b) would you prefer to see implemented?

a

34.ii. What is the contribution of this measure to achieving the objectives?

Very strong contribution

34.iii. Please explain your choice of contribution.
As a general principle, slot transfers should be encouraged because they provide an incentive for airlines to place slots on the market which have higher value for other carriers. This enables mobility that otherwise would not exist, thereby helping to optimize the use of scarce capacity.

A4A supports the conclusions of the 2011 Steer study styled “Impact assessments of revisions to Regulation 95/93,” prepared at the Commission’s request. The authors conclude that secondary trading could generate significant economic benefits by improving the economic efficiency of slot allocation and utilization at EU airports where demand for slots significantly exceeds capacity. In fact, Steer concludes that the net economic benefits of secondary trading were greater than all other options examined in their assessment of the Regulation combined. The study recommends that the Regulation be amended to explicitly permit secondary trading at all EU airports, through temporary or permanent transfers of slots between air carriers. A4A supports this recommendation.

34.iv. What would appropriate safeguards be?

The following safeguards should apply to ensure the integrity of secondary trading:

- The system is open for willing buyers / willing sellers;
- Only air carriers can hold and trade slots;
- The coordinator must confirm feasibility;
- Slots are subject to use-it-or-lose-it rules;
- Only grandfathered slots can be traded (new entrant slots can be traded only after two years);
- To ensure optimal use, laws preventing anti-competitive restrictive covenants in slot transfers should continue to be enforced.
- Transactions are transparent, but price disclosure is not required. On this point, see response to 14.

We agree that an exchange of slots should not be necessary to effectuate a slot sale in a secondary trading market. Current exchanges are artificial because they involve the exchange of bad for good slots that do nothing to increase connectivity, competition or to generate other consumer benefits.

Finally, slots should never be destination specific. The purchasing airline should be allowed to decide where to operate with the slot if they hold the appropriate traffic rights.

34.v. What form of transaction mechanism should be used? Who should administer this (e.g. coordinator, Civil Aviation Authority, Member State)?

Airlines should be permitted to negotiate the transfer of slots themselves. Consistent with the WASG, airlines should be required to report to the coordinator for publication on the coordinator’s website: a) The names of the airlines involved; b) The slot times transferred; and c) The period of the transfer (for example, period of operation, seasons, permanent/temporary, etc.).
34.vi. What proportion of the slot trade value should be directed to the environmental fund at the relevant coordinated airport?

Finally, for the reasons stated in response to question 17, we do not believe that the Slot Regulation is the appropriate mechanism to achieve the Union’s environmental objectives and therefore we oppose any requirement to use funds generated by secondary trading for environmental purposes. Also, from a practical perspective, the consideration given for slots can be non-monetary and it will be difficult to use non-cash consideration to achieve environmental objectives. In addition, diverting sales proceeds from the seller will disincentivize carriers from engaging in secondary trading.

34.vii. What costs should the fund cover for relevant infrastructure (e.g. capex, maintenance costs, operating costs) and over what period?

It would be unfair to require the seller of slots to pay for costs of infrastructure that other airlines will use. To avoid cross-subsidization, the better approach is to require airlines to continue to pay for the infrastructure they use through airport charges and not through revenues from slot sales or exchanges.

34.viii. What criteria should apply for airports to be able to draw down on this fund?

N/A

35. PM2.7 - Allocation of new capacity:

PM2.7.a
Set administrative criteria for the allocation of new capacity. The criteria could take into account considerations on connectivity, competition and the environment.

PM2.7.b
Require that new capacity is auctioned.

PM2.7.c
As above (PM2.7b), including setting up a transaction mechanism that enables part of the slot trade value to be directed to an environmental fund at the coordinated airport where the transaction took place for the greening of its infrastructure. The amount of support for the greening investment from such funds would need to be transparent and could not be recovered again in the form of airport charges.

35.i. Which of these specific “PM2.7 – allocation of new capacity” measures (a, b or c) would you prefer to see implemented?

a

35.ii. What is the contribution of this measure to achieving the objectives?

Moderate contribution
35.iii. Please explain your choice of contribution.

We respectfully request the Commission to exercise caution before departing from WASG principles when allocating slots generated by either new or existing capacity. The principles of the WASG have adequately supported the allocation of significant new capacity at airports such as Frankfurt am Main Airport and Madrid Barajas airport.

35.iv. How should "new capacity" be defined? From what size of capacity increment should the auctioning requirement apply?

A4A opposes auctions for new or existing capacity because they would undermine the operating environment for several reasons:

• First, auctions would place undue financial burdens on airlines – and more importantly, their consumers – by imposing additional costs on top of what is already one of the highest-cost aviation markets in the world.

• Second, the logistics involved in matching slots at both ends of a route will be extremely complex in an auction scenario because of the network nature of the industry. Securing a new slot at an EU airport through an auction may occur in a timeframe when the slot on the other end is unsecured. The uncertainty surrounding availability presents serious challenges when bidding. If airlines do not have the full ability to anticipate if/how they will be able to use a slot, it will be very difficult for them to estimate how much to bid or whether to bid at all in the first place.

• Third, an auction is designed to efficiently determine the willingness of carriers to pay for slots, with theory suggesting that incumbents will have the highest willingness and ability to pay for the additional slots. The value paid by incumbents will therefore exceed the value a new entrant would place on auctioned slots. This will have the effect of deterring new entry and will harm competition.

• Fourth, slot auctions have not been proven successful academically or in real-time. Regulators that have considered slot auctions have abandoned the idea because of the downside risk and mass disruption slot auctions would generate. We respectfully request the Commission to do the same here.

To this last point, NERA (2004) concluded that while in theory primary auctions could be an efficient solution, in practice auctions would be so complex, both for auction organizers and for airlines bidding in them, that it was impossible to determine whether an efficient allocation of slots would emerge.

Experience in China validates NERA’s conclusions. In 2015, the CAAC conducted two pilot auction projects. No new entrants gained access as a result of the auctions. Instead, the main Chinese airline groups consolidated their presence at the airport and the costs were much higher than anticipated. Ultimately, the government abandoned the process as wholly unsustainable.

35.v. What should the administrative criteria relating to connectivity, competition and the environment be?
As noted earlier, the coordinator should enjoy flexibility when allocating slots. The coordinator has the complex task of allocating slots in a fair, neutral, and non-discriminatory manner – and his or her hands should not be tied by inflexible allocation criteria which would lead to inefficient allocations.

35.vi. Are there other criteria that should be taken into account and how?

Article 8.4 of the WASG lists additional criteria that the coordinator can take into account when making the decision, including the effective period of operation and the type of consumer service and market.

35.vii. What form of auction mechanism should be used? Who should administer this (e.g. coordinator, Civil Aviation Authority, Member States)?

N/A

35.viii. What proportion of the slot trade value should be directed to the environmental fund at the relevant coordinated airport?

See response to 34.

35.ix. What costs should the fund cover for relevant infrastructure (e.g. capex, maintenance costs, operating costs) and over what period?

See response to 34. In accordance with established practice, airport charges should cover infrastructure costs.

35.x. What criteria should apply for airports to be able to draw down on this fund?

N/A

36. PM2.8 - Combined with the implementation of PM2.6 and PM2.7: Remove the definition of “new entrants”, as air carriers would be able to obtain slots through secondary trading.

36.i. What is the contribution of this measure to achieving the objectives?

No contribution

36.ii. Please explain your choice of contribution.

We believe that the concept of new entrant, as defined in the WASG, should be retained if secondary trading is legitimised throughout the Union. New entrants may be unable to afford to purchase slots and depriving them of priority to slots from the pool could have the effect of reducing competition.
37. PM2.9 - Set Series Return Deadline (SRD) earlier in the process, to promote earlier slot reallocation, aid in the finalisation of schedules, and help drive increased utilisation of slots. This measure presumes the definition of SRD (and other coordination dates) in the Regulation.

37.i. What is the contribution of this measure to achieving the objectives?

Moderate contribution

37.ii. Please explain your choice of contribution.

The Regulation should reflect the Series Return Deadline set out in the WASG. This will help to achieve the Commission’s stated objectives “to promote earlier slot reallocation, aid in the finalisation of schedules, and help drive increased utilization of slots.”

37.iii. The WASG is trialling an earlier SRD (15 Dec/Jul from 15 Jan/Aug): Do you think this earlier SRD (i.e. 15 Dec/Jul) should be specified in the Regulation? Should a different date be specified in the Regulation? Should the Regulation dynamically align with the WASG calendar of coordination activities?

Yes. We support the WASG calendar of coordination activities.

38. PM2.10 - Create incentives for the early hand-back of slots:

PM2.10.a
Introduce a slot reservation fee. This would be an advance payment of the airport charges, which would not be refundable if the carrier did not operate the service or if the slot was handed back after the Slot Return Deadline (see PM2.9). This reservation fee would be offset by a reduction in airport charges so as to be financially neutral for airlines which fly their allocated slots.

PM2.10.b
Introduce penalties/fines for slots handed back after the Series Return Deadline (see PM2.9).

38.i. Which of these specific “PM2.10 - create incentives for the early hand-back of slots” measures (a or b) would you prefer to see implemented?

- a
- b

38.ii. What is the contribution of this measure to achieving the objectives?

No contribution

38.iii. Please explain your choice of contribution.
We oppose reservation fees because they represent a double penalty alongside the 80/20 use-it or lose-it requirements. The Commission should encourage the implementation of existing WASG principles that are designed to prevent slot misuse, rather than pre-emptively require payment in anticipation or prevention of behavior that rarely occurs.

38.iv. Would a slot reservation fee, as described by this measure, be sufficiently dissuasive (i.e. effective) to encourage improved utilisation of capacity? If not, at what level do you consider such a fee would be effective?

N/A

38.v. At what level do you consider such a fine would be effective in encouraging improved utilisation of capacity? Would other forms of penalty be effective (please specify)?

As noted above, we believe that the WASG prescribes an effective and dissuasive regime to prevent the misuse of slots and late handbacks and fines are not needed or appropriate.

39. PM2.11 - Prohibit leasing (i.e. time-limited exchanges) to make exchanges permanent or release unused slots back to the pool, instead of giving an air carrier control over who can use its slots. Introduce relevant provisions to allow time-limited exchanges in the context of competition remedies.

39.i. What is the contribution of this measure to achieving the objectives?

No contribution

39.ii. Please explain your choice of contribution.

We believe that allowing airlines to lease slots for short or long periods will encourage slot mobility and the more efficient use of slots. Slot leasing provides the lessor and the lessee with the flexibility to test or develop new competition and connectivity while ensuring that scarce capacity remains well utilized.

If the Regulation is amended to prohibit leasing, which is ill-advised, we agree that it should allow time-limited exchanges in competition proceedings. These exchanges are an established feature in EU competition proceedings.

40. PM2.12 - Define “joint operation” as a commercial arrangement between carriers that is more substantive than code-sharing.

40.i. What is the contribution of this measure to achieving the objectives?

No contribution

40.ii. Please explain your choice of contribution.
EUSurvey - Survey

See response to 7. An airline should have the flexibility to decide with which carriers to exchange its slots and whether the exchange should be on a permanent or temporary basis.

41. PM2.13 - The slots of air carriers which have been granted a temporary operating licence within the meaning of Article 9 of Regulation 1008/2008 and suspended or reduced their operations to be made available for ad-hoc reallocation during this time period until the bankrupt air carrier’s licence is either re-established (temporary or permanent) or revoked. Specify a time period after which the exemption from returning the slots to the pool under Article 10.4.(c) ceases to apply.

41.i. What is the contribution of this measure to achieving the objectives?
No contribution

41.ii. Please explain your choice of contribution.
WASG 8.14 and 8.15 prescribe practical rules for dealing with these situations.

41.iii. What do consider a reasonable time period for the slots to be reserved?
See above

41.iv. How do you see this interacting with measure PM2.6 on secondary trading?
See above

41.v. What issues would have to be foreseen for carriers using the ad-hoc reallocated slots until the former slot holders potentially resume their operations?
See above

Measures to harmonise implementation by slot coordinators

42. PM3.1 - Strengthen functional and financial independence of coordinators by requiring that coordinators must be a separate entity from interested stakeholders and keep their own accounts and budget. Introduce clear rules on the financing of coordination activities by requiring it to be shared between airlines and airports, without excessive reliance on one single party. Coordinators should be provided with sufficient resources to defend any challenges they may be subject to, and sufficient protection from having to pay the legal costs of the challenging party. The Member States would have the obligation to ensure that the coordinator is sufficiently funded as a last resort.

42.i. What is the contribution of this measure to achieving the objectives?
Very strong contribution
42.ii. Please explain your choice of contribution.

We support stricter requirements to ensure the structural and financial independence of the coordinator. Member States should have the ultimate responsibility for achieving this objective. In addition, Member States should cover the coordinator’s litigation costs.

43. PM3.2 - Establish a network of coordinators with binding rule-making powers (similar to the Agency for the Cooperation of Energy Regulators (ACER) or the Data Protection Board).

43.i. What is the contribution of this measure to achieving the objectives?

No contribution

43.ii. Please explain your choice of contribution.

We oppose this proposal. The Regulation and the WASG already govern slot allocation and we do not need another layer of overlapping and potentially conflicting rules. In addition, coordinators alone should not have the authority to legislate – this is a matter for the EU institutions through the co-decision process. Our key request here is that the focus of any reform should be on aligning the Regulation with the WASG which has been developed and fine-tuned by key aviation stakeholders – coordinators, airports and airlines.

We do support creation of a network of slot coordinators to cooperate in the uniform interpretation of the Regulation, perhaps under Commission auspices.

44. PM3.3 - Establish a single European Coordinator that would be responsible for slot coordination and schedule facilitation in all Member States.

44.i. What is the contribution of this measure to achieving the objectives?

No contribution

44.ii. Please explain your choice of contribution.

We do not support the creation of a European coordinator. We believe that well-financed and independent national coordinators are better placed to tailor allocation decisions to local circumstances as appropriate.

45. PM3.4 - Introduce implementing powers that will allow the Commission to align the Slot Regulation with industry-led developments (e.g. the evolution of WASG).

45.i. What is the contribution of this measure to achieving the objectives?

Strong contribution

45.ii. Please explain your choice of contribution.
We support providing the Commission with the power to implement measures incorporating changes to the WASG into the Regulation. This will allow the Regulation to remain aligned with the globally accepted standard.

45.iii. What criteria should the Commission use to decide whether to adopt industry-led developments?

As a general rule, the Commission should act swiftly to incorporate changes to the WASG into the Regulation because it represents the globally accepted standard agreed by coordinators, airports and airlines.

46. PM3.5 - Improve and strengthen the role of the coordinator in the application of Article 14, by introducing a broader definition for misuse of slots, by introducing sanctions for giving misleading information, by allowing the coordinator to withdraw series of slots even before 20% of the season has passed if there is information that the series will not be used or by ensuring that the coordinator is adequately informed about enforcement of sanctions.

46.i. What is the contribution of this measure to achieving the objectives?

No contribution

46.ii. Please explain your choice of contribution.

We believe that the WASG Chapter 9 allows for sufficient sanctions for slot misuse with a new section dedicated to slot performance monitoring. The Regulation should incorporate these provisions.

46.iii. How do you see this measure interacting with measure PM3.1 and ensuring that coordinators have sufficient resources to undertake monitoring and enforcement?

Independent and well-resourced coordinators are essential to the efficient enforcement of the Regulation. Coordinators needs resources and technology to achieve uniform and consistent processes, while the provision of transparent data is key to ensure competitive outcomes.

Measures to ensure sufficient data sharing between stakeholders

47. PM4.1 - Enhance transparency of data on slots by requiring coordinators to place slot/schedule data in an online database and to publish other data online, such as overall slot allocation data, capacity parameters, local guidelines and an annual report.

47.i. What is the contribution of this measure to achieving the objectives?

Strong contribution

47.ii. Please explain your choice of contribution.
This information will make the process more transparent and accessible to all stakeholders. In this regard, the Commission should base its proposals on Article 5.5 of the WASG which imposes extensive reporting requirements on coordinators.

47.iii. Are there particular common tools, formats or reporting standards that ought to apply to this data?

Coordinators should make up-to-date, essential slot information available on their websites in a consistent format that all airlines can understand. Airlines may access schedules via SSIM coding requests, but full access to schedules in a format such as Microsoft Excel often requires subscription to online coordination platforms. Different coordinators use different online platforms, resulting in a barrier to transparency. To promote a level playing field across the EU, we recommend the adoption of best practices related to providing transparent, easy access to information (online) that would give all stakeholders the equal opportunity to access capacity.

47.iv. What time period should data be held/published for?

Monthly to ensure the information is frequently refreshed and current.

48. PM4.2 - Alignment with SES - The coordinators would fully cooperate with the Network Manager (https://www.eurocontrol.int/network-operations) by providing slot data necessary to ensure the functioning of the European Network (https://www.eurocontrol.int/network-operations-planning).

48.i. What is the contribution of this measure to achieving the objectives?

Strong contribution

48.ii. Please explain your choice of contribution.

We understand that data sharing is already taking place on this issue.

49. PM4.3 - Require coordinators to collect data for ‘network airports’ designated by the Network Manager (https://www.eurocontrol.int/network-operations) (based on their relevance to the planning of the European route network (https://www.eurocontrol.int/network-operations-planning)), even where these are not coordinated or schedules-facilitated and require coordinators to provide this data to the Network Manager. Operators should provide this data to the coordinator and allow sanctions to be imposed if the operators fail to provide data, or provide misleading data (in line with measure PM3.5 above).

49.i. What is the contribution of this measure to achieving the objectives?

No contribution

49.ii. Please explain your choice of contribution.
In principle, we support efforts to optimize the planning of the European route network. However, the benefits of the proposal are unclear and it could impose significant administrative costs on airlines as well as potential exposure to legal liability.

50. PM4.4 - Coordinators and airport management bodies required to meet in advance of slot allocation for the coming season, providing airports the opportunity to present their business plan (and relevant connectivity, competition, and environment considerations) to the coordinator for information.

50.i. What is the contribution of this measure to achieving the objectives?

Limited contribution

50.ii. Please explain your choice of contribution.

Consistent with Article 10.6.2 of the WASG, the pre-allocation meeting between the airport and the coordinator should give the airport the opportunity “to explain to the coordinator the business and expansion plans of its airport, to assist the coordinator in obtaining a holistic view of how the available capacity may be allocated and impact these plans.” The coordinator must still make an independent decision based upon all available relevant information including information made available by airlines.

Measures to support flexibility to deal with crisis situations

51. PM5.1 - Make the Justified Non-Use of Slots (JNUS) provision (from COVID amendment (Regulation 2022/2038)) permanent.

51.i. What is the contribution of this measure to achieving the objectives?

Limited contribution

51.ii. Please explain your choice of contribution.

The JNUS definition is COVID-specific and should be expanded to incorporate other crises. In this regard, we support the amendments to the JNUS provisions of the Regulation that IATA proposed in its responses to this consultation.

52. PM5.2 - Adapt the Justified Non-Use of Slots (JNUS) provision:

PM5.2a
Adapt the list of circumstances justifying airlines’ non-use of slots.

PM5.2b
Introduce implementing powers for the Commission to be able to adapt the list of circumstances justifying airlines’ non-use of slots.
52. Which of these specific “PM5.2 – adapt JNUS” measures (a or b) would you prefer to see implemented?

- a
- b

52.ii. What is the contribution of this measure to achieving the objectives?

**Strong contribution**

52.iii. Please explain your choice of contribution.

We do not view a and b as mutually exclusive. The creation of a robust, non-exhaustive list of JNUS is a first step. Because the authors cannot anticipate every eventuality that qualifies as JNUS or provisions of the list may ultimately prove open to interpretation, the Commission should also be permitted to adopt delegated acts to add new JNUS and to clarify existing JNUS.

52.iv. How should the list of circumstances justifying airlines’ non-use of slots be adapted? /What criteria should the Commission use to decide whether to adapt the list of circumstances justifying airlines’ non-use of slots?

The Commission should adopt IATA’s amendments for inclusion in the Regulation coupled with a proposal authorizing the Commission to adopt delegated acts to add to or clarify the list.

53. PM5.3 - Introduce delegated powers for the Commission to be able to adjust the utilisation threshold.

53.i. What is the contribution of this measure to achieving the objectives?

**Strong contribution**

53.ii. Please explain your choice of contribution.

We believe that the Commission should have the power to lower the use threshold through delegated acts where the circumstances warrant.

53.iii. What criteria should the Commission use to decide whether to adjust the utilisation threshold?

The Commission should follow the WASG guidelines on this issue.

**Measures to ensure connectivity, competition and environmental considerations are taken into account**

54. PM6.1 - Establish a non-discriminatory process for withdrawing slots in cases where airport capacity is reduced.
54.i. What is the contribution of this measure to achieving the objectives?

Strong contribution

54.ii. Please explain your choice of contribution.

In the interests of fairness and equity, the Commission should issue guidelines to establish a non-discriminatory process for dividing capacity cuts among operators on each route to and from the affected airport when airport capacity is reduced. The process should require the airport to:

- Justify the capacity reductions in the first instance.
- Justify the capacity cuts assigned to each individual airline. As a general principle, carriers that contributed to the problem should bear a share of the cuts proportionate to their contribution. Contrariwise, airlines that did not contribute should be held harmless.
- Publish regular reports setting out airline compliance with the prescribed individual capacity cuts.
- Ensure cuts are compliant on a route-by-route basis with the fair competition and market access guarantees enshrined in applicable ATAs.

In all cases, consistent with WASG 6.10, airlines’ historic slots should be honored.

55. PM6.2 - Specify secondary criteria for the allocation of slots in case of competing requests. The criteria should take into account considerations on connectivity, competition and the environment.

55.i. What is the contribution of this measure to achieving the objectives?

Limited contribution

55.ii. Please explain your choice of contribution.

The Regulation should align with the WASG. As noted, the principles of slot allocation should not be overly prescriptive because the coordinator needs the flexibility to evaluate and balance all demand and capacity factors at an airport. The slot allocation criteria listed in the Regulation and WASG are intentionally designed as a balanced set of considerations to support appropriate decisions rather than driving teleologically toward a predetermined outcome.

55.iii. What should the secondary criteria relating to connectivity, competition and the environment be?

See ii above.

55.iv. Are there other criteria that should be taken into account and how?
Under Article 8.5 of the Regulation, the slot coordinator must take into account the additional guidelines established by the aviation sector worldwide as part of "the rules" for allocation. The WASG contains such additional guidelines to ensure that the slot allocation system worldwide, including in Europe, functions as uniformly as possible in accordance with the principles of transparency, neutrality and non-discrimination. The rules and the criteria they contain (WASG 8.4 Additional Criteria) have been enhanced through the Strategic Review by airlines, airports and coordinators to ensure they continue to produce tangible benefits at congested airports. A4A recommends that the Regulation should explicitly refer to WASG as the international guidelines for slot allocation and management.

56. PM6.3 - Allow capacity to be reserved for cargo operators

56.i. What is the contribution of this measure to achieving the objectives?
No contribution

56.ii. Please explain your choice of contribution.

In our view, all slots should be allocated according to the primary and secondary criteria set out in the WASG and Regulation. Ring-fencing slots for a particular type of carrier would produce inefficient outcomes and would run contrary to the fundamental principle that slots must be allocated in a non-discriminatory manner.

Additional measures

57. PM7 - Please describe in as much detail as possible any other policy measures that in your opinion should be considered

Soft versus binding policy measures

When the Commission takes policy action, some of the measures can be "soft", whereby the Commission encourage improvements that contribute to achieving the objectives of the initiative. Such measures are non-binding. In other cases, the Commission can implement binding measures by modifying or introducing legislation.

58. Some of the policy measures described above could be "soft". Could you please indicate the extent to which you would be prepared to take action voluntarily for each of these policy measures?

(The description of the measures is shown when you hover your mouse over the policy measure number)
### Estimation of costs and benefits

### Current situation

59. What are the costs associated with the slot allocation process for your organisation? What is your annual budget for this activity? How many staff (full time equivalent) do you employ to support this process? If possible, please break down by:

   - i. Overall/total
   - ii. Capacity assessment and declaration
   - iii. Coordination committee participation
   - iv. Capacity request/allocation
   - v. Capacity use monitoring
   - vi. Reporting requirements
   - vii. Other (e.g. database management, legal)

### Impact of potential measures
Depending on what you organisation does, each of the measures presented here would have different implications in terms of benefits and/or costs relative to the situation with the existing legislation, whether in terms of social, economic or environmental impacts. In addition, some of these measures may have a recurring impact (i.e. each season, or each year) whereas others may only have a one-off impact relative to the current situation.

It is very important for the study that we can understand:

i. What the implications of each measure would be for your organisation; what actions you would need to take and what impacts you would expect; and

ii. What the scale of these implications would be relative to the current situation.

Therefore, an example response for the below questions is:

i. If this measure was implemented, it would require my organisation to liaise with, amongst other stakeholders, Air Traffic Management authorities each season as part of agreeing a capacity declaration two times a year. It would also require liaising with the Civil Aviation Authority to obtain its agreement twice a year and then providing this information to the Slot Coordinator twice a year, using dedicated software.

ii. Annually, this would require +1 staff (full time equivalent), as well as one-off costs of €5,000 for the dedicated software. This measure may increase available capacity by up to 6 movements per day in the first year with no further changes in future years. This measure would result in additional traffic of 6 additional movements per day, enabling at least one new short-haul route to be added to the airport’s route network.

60. PM1.1 - Align the capacity analysis requirements with the provisions in the Worldwide Airport Slot Guidelines (WASG) and ensure it is undertaken thoroughly and regularly.

60.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

60.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

61. PM1.2 - Require an independent regulator (such as a Civil Aviation Authority) to approve the capacity declaration/coordination parameters twice yearly (i.e. on a seasonal basis).

61.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
61. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

62. PM1.3 – Define “super-congested coordinated airports” at which specific rules will apply.

62. i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

62. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

63. PM2.1 - New entrants: Make the definition from the COVID amendment (Regulation 2022/2038) permanent, which specifies: New entrant is an air carrier holding fewer than 7 slots on that day (increased from 5); fewer than 9 slots on that day on that route for a route between two Union airports where at most two other carriers operate on that day on that route; a carrier that together with parent or subsidiaries holds more than 10% of slots is not a new entrant.

63. i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

63. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

64. PM2.2 - Give the same priority to the re-timing of historic slots and the allocation of pool slots (as opposed to the current situation where historic slots can be re-timed first slots are allocated from the pool to new entrants and other applicants).

64. i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
64.ii. For the implications you have identified above, please provide (and describe) as many **quantitative** estimates as possible for their scale, where relevant separating estimates between **one-off** costs and **recurrent** annual costs. If you are not able to provide **quantitative** estimates, please provide qualitative descriptions for the scale of the implications you have identified.

65. PM2.3 - Clearly prohibit “double-dipping” (which gives air carriers the possibility of gaining full historical precedence on slot series, when theoretically only 64% of the slots allocated at the Slot Allocation Listing (SAL) date (https://www.iata.org/en/programs/ops-infra/slots/slot-guidelines/) have been operated (as in some instances it is possible for carriers to cancel 20% of their allocated slots before the Historics Baseline Date (HBD) and a further 20% after HBD, without affecting the eligibility for historic precedence).

65.i. Please describe what the **implications** of this measure would be for your organisation **relative to the situation with the existing legislation**: what **actions** you would need to take and what **impacts** you would expect.

65.ii. For the implications you have identified above, please provide (and describe) as many **quantitative** estimates as possible for their scale, where relevant separating estimates between **one-off** costs and **recurrent** annual costs. If you are not able to provide **quantitative** estimates, please provide qualitative descriptions for the scale of the implications you have identified.

66. PM2.4 - Increase the minimum series length from 5 slots:

   PM2.4.a To a minimum of 10 slots in winter and 15 slots in summer at all coordinated airports.
   PM2.4.b Through local rules.
   PM2.4.c To a minimum of 10 slots in winter and 15 slots in summer only at “super-congested coordinated airports”.

66.i. Please describe what the **implications** of this measure would be for your organisation **relative to the situation with the existing legislation**: what **actions** you would need to take and what **impacts** you would expect.

66.ii. For the implications you have identified above, please provide (and describe) as many **quantitative** estimates as possible for their scale, where relevant separating estimates between **one-off** costs and **recurrent** annual costs. If you are not able to provide **quantitative** estimates, please provide qualitative descriptions for the scale of the implications you have identified.

67. PM2.5 - Increase the utilisation threshold from = 80% of each slot series:

   PM2.5.a To 85% of each slot series at all coordinated airports.
   PM2.5.b To 90% of each slot series at all coordinated airports.
   PM2.5.c To 90% of each slot series only at “super-congested coordinated airports”.
   PM2.5.d To 90% across all slots held by air carriers at each coordinated airport, with no individual slot series below 80%.
67.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

67.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

68. PM2.6 - Secondary trading:
PM2.6.a - Allow secondary trading of slots by air carriers with safeguards (e.g. restrict the proportion of slots which an incumbent could hold, pre- and post-trade transparency, prohibit non-compete clauses and other restrictive covenants) at all coordinated airports and require coordinators to facilitate it under a single and uniform legal framework. Secondary trading to be facilitated without necessarily requiring an exchange of slots to take place.
PM2.6.b - As above (PM2.6a), including setting up a transaction mechanism that enables part of the slot trade value to be directed to an environmental fund at the coordinated airport where the transaction took place for the greening of its infrastructure. The amount of support for the greening investment from such funds would need to be transparent and could not be recovered again in the form of airport charges.

68.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

68.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

69. PM2.7 - Allocation of new capacity:
PM2.7.a - Set administrative criteria for the allocation of new capacity. The criteria could take into account considerations on connectivity, competition and the environment.
PM2.7.b - Require that new capacity is auctioned.
PM2.7.c - As above (PM2.7b), including setting up a transaction mechanism that enables part of the slot trade value to be directed to an environmental fund at the coordinated airport where the transaction took place for the greening of its infrastructure. The amount of support for the greening investment from such funds would need to be transparent and could not be recovered again in the form of airport charges.

69.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
69.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

70. PM2.8 - Combined with the implementation of PM2.6 and PM2.7: Remove the definition of “new entrants”, as air carriers would be able to obtain slots through secondary trading

70.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

70.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

71. PM2.9 - Set Series Return Deadline (SRD) earlier in the process, to promote earlier slot reallocation, aid in the finalisation of schedules, and help drive increased utilisation of slots. This measure presume[s the definition of SRD (and other coordination dates) in the Regulation.

71.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

71.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

72. PM2.10 - Create incentives for the early hand-back of slots:
PM2.10.a - Introduce a slot reservation fee. This would be an advance payment of the airport charges, which would not be refundable if the carrier did not operate the service or if the slot was handed back after the Slot Return Deadline (see PM2.9). This reservation fee would be offset by a reduction in airport charges so as to be financially neutral for airlines which fly their allocated slots.
PM2.10.b - Introduce penalties/fines for slots handed back after the Series Return Deadline (see PM2.9).

72.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
72.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

73. PM2.11 - Prohibit leasing (i.e. time-limited exchanges) to make exchanges permanent or release unused slots back to the pool, instead of giving an air carrier control over who can use its slots. Introduce relevant provisions to allow time-limited exchanges in the context of competition remedies.

73.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

73.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

74. PM2.12 - Define “joint operation” as a commercial arrangement between carriers that is more substantive than code-sharing.

74.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

74.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

75. PM2.13 - The slots of air carriers which have been granted a temporary operating licence within the meaning of Article 9 of Regulation 1008/2008 and suspended or reduced their operations to be made available for ad-hoc reallocation during this time period until the bankrupt air carrier’s licence is either re-established (temporary or permanent) or revoked. Specify a time period after which the exemption from returning the slots to the pool under Article 10.4.(c) ceases to apply.

75.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
75.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

76. PM3.1 - Strengthen functional and financial independence of coordinators by requiring that coordinators must be a separate entity from interested stakeholders and keep their own accounts and budget. Introduce clear rules on the financing of coordination activities by requiring it to be shared between airlines and airports, without excessive reliance on one single party. Coordinators should be provided with sufficient resources to defend any challenges they may be subject to, and sufficient protection from having to pay the legal costs of the challenging party. The Member States would have the obligation to ensure that the coordinator is sufficiently funded as a last resort.

76.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

76.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

77. PM3.2 - Establish a network of coordinators with binding rule-making powers (similar to the Agency for the Cooperation of Energy Regulators (ACER) or the Data Protection Board).

77.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

77.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

78. PM3.3 - Establish a single European Coordinator that would be responsible for slot coordination and schedule facilitation in all Member States.

78.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.
78.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

79. PM3.4 - Introduce implementing powers that will allow the Commission to align the Slot Regulation with industry-led developments (e.g. the evolution of WASG).

79.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

79.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

80. PM3.5 - Improve and strengthen the role of the coordinator in the application of Article 14, by introducing a broader definition for misuse of slots, by introducing sanctions for giving misleading information, by allowing the coordinator to withdraw series of slots even before 20% of the season has passed if there is information that the series will not be used or by ensuring that the coordinator is adequately informed about enforcement of sanctions.

80.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

80.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

81. PM4.1 - Enhance transparency of data on slots by requiring coordinators to place slot/schedule data in an online database and to publish other data online, such as overall slot allocation data, capacity parameters, local guidelines and an annual report.

81.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.
81. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

82. PM4.2 - Alignment with SES - The coordinators would fully cooperate with the Network Manager (https://www.eurocontrol.int/network-operations) by providing slot data necessary to ensure the functioning of the European Network (https://www.eurocontrol.int/network-operations-planning).

82.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

82. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

83. PM4.3 - Require coordinators to collect data for ‘network airports’ designated by the Network Manager (https://www.eurocontrol.int/network-operations) (based on their relevance to the planning of the European route network (https://www.eurocontrol.int/network-operations-planning)), even where these are not coordinated or schedules-facilitated and require coordinators to provide this data to the Network Manager. Operators should provide this data to the coordinator and allow sanctions to be imposed if the operators fail to provide data, or provide misleading data (in line with measure PM3.5 above).

83.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

83. ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

84. PM4.4 - Coordinators and airport management bodies required to meet in advance of slot allocation for the coming season, providing airports the opportunity to present their business plan (and relevant connectivity, competition, and environment considerations) to the coordinator for information.

84.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.
84.ii. For the implications you have identified above, please provide (and describe) as many qualitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide qualitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

85. PM5.1 - Make the Justified Non-Use of Slots (JNUS) provision (from COVID amendment (Regulation 2022/2038)) permanent.

85.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

85.ii. For the implications you have identified above, please provide (and describe) as many qualitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide qualitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

86. PM5.2 - Adapt the Justified Non-Use of Slots (JNUS) provision:
   PM5.2.a Adapt the list of circumstances justifying airlines’ non-use of slots.
   PM5.2.b Introduce implementing powers for the Commission to be able to adapt the list of circumstances justifying airlines’ non-use of slots.

86.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.

86.ii. For the implications you have identified above, please provide (and describe) as many qualitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide qualitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

87. PM5.3 - Introduce delegated powers for the Commission to be able to adjust the utilisation threshold.

87.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation: what actions you would need to take and what impacts you would expect.
87.i. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

88. PM6.1 - Establish a non-discriminatory process for withdrawing slots in cases where airport capacity is reduced.

88.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

88.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

89. PM6.2 - Specify secondary criteria for the allocation of slots in case of competing requests. The criteria should take into account considerations on connectivity, competition and the environment.

89.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

89.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.

90. PM6.3 - Allow capacity to be reserved for cargo operators.

90.i. Please describe what the implications of this measure would be for your organisation relative to the situation with the existing legislation; what actions you would need to take and what impacts you would expect.

90.ii. For the implications you have identified above, please provide (and describe) as many quantitative estimates as possible for their scale, where relevant separating estimates between one-off costs and recurrent annual costs. If you are not able to provide quantitative estimates, please provide qualitative descriptions for the scale of the implications you have identified.
Other

91. Please provide any further comments not included in your previous responses. If you have any further information supporting your responses, we would be interested. The maximum file size for upload is 10MB. Any documentation provided will serve as additional background to enable us to better understand your position.

A4A_Slots_Submission_03072023.pdf

Thank you for your time in completing your responses. Your contribution is important and will be considered carefully.

Contact

Contact Form (/eusurvey/runner/contactform/Slot_Regulation_impact_assessment_questionnaire)
Airlines for America Response to EU Slot Regulation Impact Assessment Questionnaire
March 7, 2023

Q7:

Airlines for America ("A4A"), on behalf of its members,\(^1\) appreciates the opportunity to comment on the Commission's consultation in relation to the impact assessment study for possible revisions to Regulation 95/93 ("the Regulation"). A4A members operate extensive services to the EU and have a strong vested interest in the rules that govern slot allocation. We generally support the comments that IATA has submitted but wish to supplement them with observations of our own.

We have a number of preliminary observations some of which we included in the earlier comments on slot reform of 21 November 2022 and remain equally valid today.

First, the Regulation has facilitated the growth of a competitive aviation sector in the EU despite existing capacity constraints. According to IATA's economic data, the slot process has delivered benefits for EU consumers in the form of lower fares, route diversity, enhanced connectivity and network development and increased competition and product choice. As a result of this solid record, we do not believe that the slot allocation process requires a significant overhaul.

Second, the Regulation is broadly consistent with, and should remain faithful to, the Worldwide Airport Slot Guidelines ("WASG"). The WASG provides the global air transport community with a single set of standards for the management of slots at coordinated airports (Level 3) and for schedule adjustments of planned operations at facilitated airports (Level 2) in a neutral, transparent, and non-discriminatory manner.

Working through the Strategic Review, airlines, airports and slot coordinators developed the WASG as a practical and global solution for allocating slots and are regularly finetuning the existing process to ensure that the WASG remains the single global slot standard. The Strategic Review has resulted in material and positive changes to the WASG, including a new entrant threshold which expands the number of carriers eligible for new entrant status, new primary criteria which make the slot allocation process more efficient and enhanced slot monitoring designed to identify and penalize slot abuse. The WASG objectives align with those of the EU Commission by promoting competition, fair and non-discriminatory treatment, and efficient use of scarce airport capacity in the interest of consumers.

WASG is key to the stable and efficient operation of international aviation. All flights have an origin and a destination, frequently in different jurisdictions and the system can only work through the application of consistent rules across the globe, with a shared calendar, principles of allocation, and rules for retention of slots. Applying the worldwide standard as described in the WASG ensures fair and non-discriminatory treatment for all carriers operating at or requesting access to an airport.

Given the need for global consistency, over 90% of the world's Level 3 airports have fully implemented the WASG. The remaining 10%, including airports in China and Mexico, have been gradually implementing the WASG in recent years. In this regard, a unilateral departure from the WASG could lead to mass operational disruptions as airlines which adhere to the WASG at the non-EU end of a route lose

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\(^1\) A4A is the principal trade and service organization of the U.S. scheduled airline industry. Members of the association are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc., Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.
slots at the EU end of the route, leading to potential retaliation. To avoid this eventuality and to enhance the slot allocation process in the EU, we recommend that the Commission propose amendments to align the Regulation with the WASG and play a lead role in supporting consistent implementation of the WASG globally.

Third, the Regulation holds airlines but not airports accountable for under-performance. For example, the Regulation penalizes airlines for departing from the use-or-lose rule. By way of further example, the Regulation and the WASG contain detailed provisions relating to the monitoring of airline slot use and sanctions for misuse. By contrast, airports are not held responsible for under-performance. The operational disruptions that air travelers and airlines were forced to endure in summer 2022 due to inadequate airport planning and management are unacceptable and the Commission should hold airports accountable for these shortcomings. Effective airport monitoring will lead to improved airport performance which in turn will enhance capacity utilization and benefit the traveling public.

Fourth, the root cause of this congestion, and the raison d'être of the Regulation itself, is the systemic failure of governments to invest in adequate aviation infrastructure. The infrastructure does not exist to accommodate present, let alone future, demand and the EU cannot solve the problem by simply changing the way in which a finite number of slots are allocated. Rather, the EU should focus on expanding airport capacity and air traffic management (ATM) to accommodate growing demand. In this regard, we applaud the Commission’s efforts to champion implementation of the Single European Sky (“SES”). SES would allow for additional flying by generating greater efficiencies.2

Fifth, non-EU airlines, including U.S. airlines, could suffer a disproportionate impact if some of the proposed amendments are implemented. EU hub carriers have the staff and fleet needed to adjust to additional restrictions such as the proposed 85% slot utilization threshold. U.S. carriers do not have the same flexibility as they do not base aircraft and crew at airports across Europe. U.S. airlines are not able to cover the additional flights required by the 85% threshold unlike European airlines. In addition, EU carriers are subject to few slot restrictions when operating to the United States. And when they do operate to a U.S. coordinated airport, the WASG applies, meaning they are not subject to the additional restrictions canvassed in the consultation paper.

The disproportionate impact on U.S. airlines violates the market access and the fair and equal opportunity to compete guarantees enshrined in the U.S.-EU Air Transport Agreement (“ATA”). We will ask the U.S. DOT to engage the Commission directly to ensure that slot restrictions are not applied to U.S. carriers which violate the U.S.-EU ATA.

Finally, we have an observation on the format of the questionnaire. In several instances, we are asked to choose between options that we do not support primarily because they are all inconsistent with the WASG. For example, in PM 2.5, we are asked whether we support the increase of the slot utilization threshold from 80% to between 85%-90%. We are not given the option to express our support for the status quo which is consistent with the WASG. We have tried to answer the questions by eschewing options we do not support and explaining in the comment box the option we do support.

Turning to the problem the Commission identifies, we address each element point by point.

**Capacity determination:** We agree that a thorough capacity determination and setting of coordination parameters is critical to the efficient use of capacity at an airport. In this regard, as noted, the Regulation cannot deliver additional capacity. It can only make best use of capacity that is declared for allocation. Therefore, effective analysis is essential to allow all available capacity to be declared for slot allocation and use. Unfortunately, there are multiple examples of airports where there is either no capacity

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2 Failure to put in place the infrastructure needed to meet demand will lead to significant economic losses. As part of its Challenges of Growth series, in 2018 Eurocontrol released a report forecasting air traffic in Europe in 2040 and the difficulty meeting projected demand. The forgone economic impact associated with this unmet demand is estimated to be €88.1 billion in GDP, including direct activity at airports, indirect and induced impacts, and the lost tourism, trade and investment due to low-connectivity growth.
declaration, or the capacity is declared but there is no assessment on deliverability, or capacity is declared and never revisited despite seasonal changes in airline schedules.

We agree that the Regulation is unclear on the process and airport accountability. In our view, it should require airports to conduct a capacity declaration seasonally, in consultation with airlines, because adequate capacity determinations are key to the effective functioning of the coordination process and the drive to reduce congestion and increase growth and connectivity in the absence of capacity expansion. In this regard WASG Chapter 6 and WASG section 10.3 prescribe standards that the Commission should consider when drafting proposals to enhance the effectiveness of the capacity declaration process. Among other things, airports should consult with stakeholders before making final decisions and Member States should regularly review airport capacity declarations to ensure optimal utilization and actual oversight of airport capacity. The Commission should seek to establish a European (and global) standard for the declaration of capacity to ensure consistency and deliverability not only on the ground, but also in the skies.

**Market foreclosure is not sufficiently discouraged:** We disagree that the slot coordination process facilitates the hoarding of slots or gaming of the slots process at congested airports. There is no evidence to suggest this is actually occurring. We consider additional remedies unnecessary given that the controls in place have achieved significant success.

We address each of the concerns that the Commission raises under this title.

*Late handback of slots and slot misuse:* We believe that effective mechanisms are already available to discourage this behavior. First, the WASG contains provisions to discourage late handbacks and slot misuse. Specifically, Chapter 9 of the WASG is dedicated to slot monitoring. It defines slot misuse, prescribes pre- and post-operation analysis, and provides for specific enforcement actions that the coordinator can undertake in cases of proven slot misuse.

The WASG also requires airlines to return series of slots that are not intended for operation no later than the Slot Return Deadline of 15 January (summer) and 15 August (winter). This is earlier than dates that the Regulation prescribe. Best practices further strengthen the application of a robust monitoring process to ensure the utmost efficiency is achieved and misuse corrected even before a flight is planned.

We believe that the Commission's concerns about slot misuse and late slot handback would be addressed if the Regulation incorporated the WASG (1) monitoring provisions and best practices and (2) slot return deadlines.

*Shared Operations:* Article 8.14 of the WASG states that shared operations are a common practice which result in the efficient use of slots. The ability to transfer slots between alliance partners allows them to optimize their networks and improve inter-alliance global network competition. In our view, shared operations between unaffiliated carriers can improve the resilience of schedules and should continue as an option for airlines to make the most efficient use of their slots. For example, wet leases are a common form of shared operation that benefit airlines and consumers.

*Pre-Slot Handback Rule:* We respectfully disagree with the Commission's concern about the pre-slot handback rule ("HBD"). Under this practice, carriers are allowed to return slots before the HBD without the returned slots counting towards their 80% slot use requirement. This practice is designed to permit carriers to return slots on days where there is traditionally little demand for service, e.g., Christmas, New Year, Thanksgiving or on days where the airport is closed, e.g., Dublin Airport on Christmas Day, without reducing the 20% cushion they need to navigate flight disruptions caused by events such as severe weather or ATC strikes. They also need a mechanism allowing them to return slots that simply cannot be used due to demand trends throughout the season, for example public holidays (which fall on different days of the week each year) and distinct patterns in business traffic flows. The handback rule makes slots available on these days to other carriers. In addition, it better protects the environment by reducing the need to operate unnecessary flights.
Airlines use the full allocation only in rare cases where flexibility is required. By supporting the airline in these circumstances, both the airline and consumer are protected through an improved certainty of operations – and other airlines and the airport benefit from an earlier return of slots, permitting their reallocation and efficient use. Otherwise, a delay in slots being returned would negatively impact overall capacity utilization, since reallocations would not take place early enough in the season for most airlines to plan for and fly the available slots.

It should be noted that coordinators in several Member States have recently abandoned this practice and have stated they will not reinstate it in the future. Removing this opportunity has meant less flexibility for airlines in the operational season resulting in a more conservative approach to schedule development. Because of the clear benefits that the HBD rule generates, we strongly support a revision to the Regulation to require coordinators to allow for pre-season slot returns.

**Independence of Coordinators:** We agree that not all coordinators are fully independent and/or enjoy the requisite resources and expertise to enforce the Regulation. We support Commission action to ensure that coordinators are truly independent and properly resourced.

**Non-harmonized implementation by slot-coordinators:** We also agree that non-harmonized implementation by coordinators across the Union can lead to inefficient use of capacity. As the Commission points out, coordinators took widely divergent views of the circumstances that trigger JNUS during the COVID-19 crisis when the airlines and traveling and shipping public most needed legal certainty.

**Insufficient data sharing between stakeholders:** We agree that lack of transparency can have a negative impact on the efficient use of capacity. The Regulation requires coordinators to provide airlines, airports and the regulator with updated, comprehensive slot information. WASG 5.5.1 requires the coordinator to “make available to the airlines and to the airport managing body as, as soon as all SALs are distributed, a list of slots allocated, remaining slots available and the reasons why slots were not allocated as requested. This information should ideally be in SSIM Chapter 6 format and accessible by online means.”

While most coordinators fulfill this requirement in a satisfactory manner, the availability and quality of the information varies from airport to airport. To promote a level playing field across the EU, we recommend that the Commission publish best practices related to providing transparent, easy access to information (online) that would give all stakeholders equal opportunity to access capacity.

**Lack of flexibility to deal with crisis situations:** Finally, we agree with the Commission’s conclusion that “experience during the COVID-19 crisis showed that the Regulation is not suitable to deal with severe demand shocks.” As set out in greater detail below, we support amendments to the Regulation that would provide the Commission with the flexibility to take swift action during major crises to strike the balance between the efficient use of airport capacity and security of slot portfolios for airlines.