

SLOT ENFORCEMENT GUIDELINES

1. INTRODUCTION

Due to the constant growth of the air traffic and the rising level of congestion in all European countries, slot monitoring and enforcement has become an increasingly necessary activity which requires control tasks to be carried out to ensure compliance with airport slots.

Slot performance monitoring activities are stipulated in Regulation (EEC) No. 95/93 (“Slot Regulation”) and defined in more detail in the Worldwide Airport Slot Guidelines (WASG), both designating the Slot Coordinator (and Schedule Facilitator) as the sole person responsible for monitoring compliance of airline’s operations with their slots (and/or schedules) and providing the necessary measures to achieve it. In this document, we mean by slots airport slots or schedules depending the level of coordination.

EUACA, as the association which aims at increasingly harmonizing all procedures and legal interpretations among its members, designated a “Slot enforcement Working Group” to compile and analyze all slot performance monitoring processes. The working group carried out a survey concerning the most relevant concepts, requesting EUACA members to describe the procedures in place within their country or region of responsibility as well as giving recommendations for further improvements of the procedures.

The result of this analysis is this document, which introduces harmonized guidelines for EUACA members. Effort has been made within this document to summarize and project the most important aspects of slot monitoring in accordance with the relevant provisions of both the Slot Regulation and the WASG.

2. REFERENCES

EU regulation 95/93

Article 14 Enforcement

WASG Edition 3

Article 7.6 Monitoring of operations

Chapter 9 Slot Monitoring

3. ROLES AND RESPONSIBILITY

3.1. Slot Coordinator

The sole person responsible for slot monitoring is the slot coordinator, as an entity separated from any single interested party. Slot performance monitoring activities shall be performed in an independent, neutral, non-discriminatory and transparent manner. The coordinator must implement slot performance monitoring procedures for all Level 3 and Level 2 airports. Coordinators are encouraged to cooperate and share their data.

3.2. Airlines and other aircraft operators

Airlines and other aircraft operators¹ must monitor their own performance and take appropriate corrective actions prior to the coordinator communicating a potential misuse. They must collaborate with the coordinator, respond in a timely manner when a potential misuse is detected and communicated, and, where appropriate, take corrective actions as soon as possible.

3.3. Airport Managing Body

The airport managing body must provide the coordinator with all the actual operational data required to complete the slot monitoring process. In addition, they should highlight any potential misuse of slots.

3.4. Slot Performance Committee (SPC)

As a sub-group of the Coordination Committee, the SPC may advise the coordinator on matters relating to the monitoring and misuse of slots and guarantee fair judgment towards potential slot misuse. The coordinator should inform the SPC about the slot monitoring activities performed, including impactful slot misuses and any applicable sanction process followed.

¹ "Airlines and other aircraft operators" is the terminology used in the WASG. This Guidance alternatively also uses the term "air carrier" within the meaning of Art. 2 (f) Slot Regulation.

3.5. Civil Aviation Authority / Air Safety Authority

The CAA may be responsible for the execution of applicable sanctions for misuse detected by the coordinator (e.g. financial penalties). In addition, the CAA may be responsible for the compliance of the slot monitoring procedures with the EU and locally established legislation, not conflicting with EU regulation, within their area of responsibility.

3.6. Air Traffic Control

ATC should provide actual flight data to the coordinator (if not done through the airport operational data).

3.7. Other

Any other entity that can increase the efficiency and accuracy of slot monitoring procedures should be included in the process: ground handlers, airline booking systems, airline schedules data companies, etc.

For the exact provisions in the WASG see 9.1.1. to 9.1.6. (Slot Monitoring).

4. DEFINITIONS

4.1. The relevant provision in Art. 14 (4) Slot Regulation

Art. 14 (4) Slot Regulation stipulates:

Air carriers that repeatedly and intentionally operate air services at a time significantly different from the allocated slot as part of a series of slots or uses slots in a significantly different way from that indicated at the time of allocation and thereby cause prejudice to airport or air traffic operations shall lose their status as referred to in Article 8(2). The coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having heard the air carrier concerned and after issuing a single warning.

4.2. Intentionality

In all cases flights must be scheduled to operate without deviation from the allocated slots. Intentionality should refer to factors that affect adherence to allocated slots that are within the air carrier's power.

When assessing if criteria of intentionality are met, the coordinator should assess objective criteria. The most obvious examples of which are:

- Published flight times: Schedule and tickets are not in accordance with the times allocated by the coordinator.
- Flight plan / ATC data. The flight plan filed by the operator doesn't match the allocated slot.
- Slot coordinated / flight schedules-facilitated at O/D. Discrepancies in the consistency of data at origin/destination are detected.
- Other data provided by ground handlers etc., demonstrate intentionality.

Intentionality can also be considered when a pattern of non-adherence is observed, where it is not immediately apparent that an airline is not operating in accordance with an allocated slot but it only becomes apparent, over a certain period of time, as part of an operational pattern. For example this pattern can be due to or can consist of:

- Different block times.
- Unrealistic flight time calculation.
- Unworkable flight rotations planning.
- Lack of sufficient fleet to accommodate the schedule.
- Regular operation according to requested times which differ from the allocated/recommended ones.

The coordinator must be in continuous communication with airlines and take into account the reasons or justifications given about why a slot has not been operated according to the allocated slot/agreed schedule. Typically, this may include operational disruptions such as ATC delays, strikes or other operational factors (all of them out of airline's control), for which the air carrier should provide evidence to demonstrate that they could not have been foreseen or prevented.

4.3. Repeatedly

Repeatedly" shall be considered at least 2 occurrences in a particular air service during the same scheduling period or a defined period of monitoring at a particular airport.

A coordinator may consider ad hoc occurrences that constitute a behavioral pattern from an aircraft operator as repeated, even though they are not part of the same service. The air carrier must be prepared to demonstrate to the coordinator that this is not the case.

4.4. Significantly different time

Significantly different time is any time difference between the schedule/published times and the allocated slots that affects airport's capacity.

Significantly different time will also be considered any pattern of actual off-slot operation that has a repeated nature or indication of a pattern (See WASG 9.4.2.4b).

4.5. Significantly different way

"In a significantly different way shall mean any deviation from the characteristics of the allocated slots that affects the coordinated capacity of the particular airport.

For example, attributes like equipment and seats, if the coordinator requires clearance for and adherence to these attributes. A possible tolerance for such deviations should be made transparent to air carriers and it is the air carriers' responsibility to adjust their operation or update their slots accordingly.

These attributes can include and are not limited to:

- Operating Intra/Extra Schengen routes when having declared otherwise.
- Operating with different aircraft types and seats.
- Operating a passenger flight when having declared otherwise (e.g. ferry).

Etc.

5. CALENDAR AND PROCESS

5.1. Pre-Operation Monitoring

Pre-operation monitoring should be established by HBD for the relevant scheduling period, and gradually developing towards the day of operation.

Within the pre-operation monitoring process, the coordinator shall try to identify discrepancies such as:

- Identification of schedules that are not realistically allocated (e.g. turnarounds that are too short or failing to meet minimum airport requirements).
- Unrealistic planning over a period of time.
- Discrepancies in aircraft type or seats between schedule and slots.
- Discrepancies in published times (airline websites or OTA, flights not published on any source, differences in information with the airport database etc).

Coordinators should monitor and communicate pre-operation findings to airlines in an effort to prevent potential misuse. They shall not, however, initiate sanctions at this stage.

The communication of a pre-operation discrepancy from the coordinator which failed to be met with corrective actions by the airline (and then becomes a misuse) should be considered as an aggravating circumstance by the coordinator.

Coordinators can make use of external services, e.g. databases established by the airport authority that warn airlines in advance of discrepancies.

5.2. Post-Operation Monitoring

It is recommended to collect and match data on a weekly basis, shortly after the actual operation, and communicate potential misuse reports to the airlines or other aircraft operators as soon as they are available.

The coordinator shall contact the air carrier or other aircraft operator to inform of the potential infringements observed. The airline or the aircraft operator should respond within 5 business days.

The coordinator shall assess with the air carrier and any other interested party useful for the resolution of the particular case, which measures should be taken to avoid a repetition of these infringements.

If the airline or other aircraft operation fails to provide a valid explanation on the communicated potential infringements, or fail to respond to the coordinator's notice, the cases highlighted should be treated as slot misuse.

If the airline-coordinator dialogue process is unsuccessful, enforcement action shall be considered for intentional and repeated slot misuse.

An intervention scheme is provided as guidance in the Appendix.

5.3. Slot Performance Committee

The Coordination Committee may establish a Slot Performance Committee, as a sub-group of the Coordination Committee, to advise the coordinator on matters relating to the monitoring and misuse of slots.² The objective of such advice is to

² 9.1.6 WASG.

improve punctuality and reduce any kind of slot misuse. The Slot Performance Committee shall also guarantee a fair judgment of potential slot misuse.

The principal tasks of the Slot Performance Committee are to:

- a) Determine trends that could lead to potential slot misuse at the airport, and where appropriate recommend corrective actions;
- b) Identify and set goals within the Slot Performance Committee to address these trends, in order to enhance the performance and effective utilization of available airport capacity;
- c) Provide guidance and advice to the coordinator on any matters related to slot misuse;
- d) Establish, if required, a working group or other dispute resolution mechanism to mediate between the coordinator and an airline or aircraft operator where differences of interpretation on slot misuse exist; and
- e) Subject to applicable law, to make available upon request any information disclosed within the Slot Performance Committee to all airlines and other aircraft operators using the airport and to permit their representatives as observers to Slot Performance Committee meetings.

The coordinator may report findings and procedures to the SPC regularly and a meeting should be organized on at least a seasonal basis, where more regular meetings can be scheduled if required.

6. SOURCES OF DATA

Pre-operation and post-operation analysis is a continuous process that requires the coordinator to have the right data in an agreed format, available in a timely manner in order to complete its analysis.

Airport managing bodies, airlines and other aircraft operators as well as additional providers (such as ANSP) shall provide the data requested by the coordinator, in a format agreed between the parties, for this purpose.

Coordinators shall also check published data sources such as:

- Airline or travel agency websites, global distribution systems or tickets, Flight tracking systems etc.
- Airport or ground handling data from airports at each end of the route concerned.
- ATC information (flight plans, Eurocontrol, local ANSP).

- Peer comparison (i.e. the performance of other operators using similar equipment and or similar routings) Airport data must be taken into account.

Coordinators should consult the EUACA combined database to check for consistency of airlines' schedules at the origins and destinations.

An EUACA database of exceptional events should be developed. Cancelled flights under JNUS should all be stored at the same repository, and at the same format, for ease of access.

7. TYPES OF POTENTIAL SLOT MISUSE

7.1. No Slot

Operating without an allocated slot/agreed schedule.

7.2. Unplanned Night Flights / Environmental misuses

Amongst EUACA member states, environmental restrictions, including night restrictions, are in continuous development and are becoming increasingly critical. There is some probability that sooner or later new environmental rules will be introduced, and the existing ones become stricter.

Night restrictions are especially critical. These restrictions affect the capacity of the airports during night hours and the way in which it is used. The airport operators and the entire airport community could suffer significant prejudice if these provisions are not complied with. Thus, the slot coordinator is obliged to take special precautions when allocating slots, in order not to exceed the specific parameters during the night, as laid in place in by the environmental permit of the local airport and specified in the capacity declaration.

Flights that have been intentionally and repeatedly operated during restricted operations periods without having obtained the relevant slot will be subject to sanctions following dialogue with the coordinator.

7.3. Unused Slots

Slots that are not used and not cancelled by the air carrier or other aircraft operator, where there are no extraordinary operational factors involved or force majeure events.

Coordinators should ideally detect and warn the air carriers of such discrepancies prior to the operation, in an effort to avoid waste of scarce airport capacity.

Airlines or aircraft operators that hold slots without using them are liable to sanctions such as withdrawal of the series in question for the remainder of the scheduling period after issuing a single warning and placement in lower priority for the next equivalent scheduling period.

Additional sanctions may apply pursuant to local/national rules and regulations.

It remains the air carriers' responsibility to adhere to allocated slots and return immediately slots that will not be used.

7.4. Off-Slot

Flights that are operated under different conditions or characteristics than the allocated slots, will be considered off-slot and potential misuse.

- Operations at a significantly different time.
- Operations with a different aircraft type when parking stands are coordinated.
- Operations with a different seat count when terminals are coordinated.
- Operations from a different origin/destination that affect airport capacity (e.g. intra/extra-Schengen, domestic/international etc.).
- Any other kind of operation that impacts airport capacity as defined in coordination parameters.

Coordinators can implement a tolerance to investigate patterns of potential misuse when it is not immediately apparent. Operational disruptions outside the air carrier's control and occasional delays (e.g. ATC delays) should be excluded. However, if varying operations can be identified as a pattern or structural delay, they should be further examined as potential misuse. Tolerance can be different depending on the airport or conditions.

When off-slot flights are detected, a dialogue should first be initiated to rectify data integrity, before considering them as a potential misuse.

7.5. Late Hand-back

The coordinator should detect and prevent late hand-back of slots, i.e. requesting or holding slots (or any of the attributes of the slot that impact airport capacity) that the airline or other aircraft operator does not intend to operate.

This can include:

- Holding slots that are not intended to be operated, swapped, transferred, or used in a shared operation.

- Holding slots allocated at a time (or any other attribute that impacts airport capacity) with the intention to deny capacity to other operators.
- Requesting slots for an operation other than indicated, with the intention of gaining improved priority.

Any of these behaviors should be, ideally, detected proactively. Coordinators should use tools at their disposal to facilitate this process. For example:

- Access to data provided by ATC, airports, handlers or any other source and cross checking with coordinated/facilitated flights as part of the pre-operation monitoring.
- Statistics and indicators that can identify cases of late hand-back, by comparing data sets of allocated slots as well as peer comparison.

Once intentionality can be determined (via direct proof or as a structural behavior), the coordinator should treat the case as misuse and proceed with the relevant procedures set out in this document.

8. MEASURES

When a coordinator has determined intentional and repeated slot misuse, they shall initiate procedures for relevant sanctions in accordance with applicable EU and national/local legislation as well as industry guidelines.

When deciding whether to pursue any enforcement action, the coordinator should, consider whether the slot misuse was:

- Following a warning issued as part of the pre-operation analysis process,
- a first occurrence or part of a pattern of misuse,
- part of a series of slots or an ad hoc operation,
- or likely to impact the local airport (and its obligations) and/or ATC operations, or other airlines.

Slot enforcement actions can include:

- Loss of historic precedence for the series of slots involved for the next equivalent season.
- Lower priority for future slot requests for the next equivalent season.
- Referral to the Slot Performance Committee and Coordination Committee.
- Withdrawal of the rest of the series of slots for the remainder of the current scheduling period.

- Financial penalties under applicable law.

Misuse should be reported to the appropriate authority for imposition of financial sanctions as well as the Slot Performance Committee. To facilitate the process, coordinators shall harmonize standard misuse detail reports including usual information about the slot and the actual operation.

Information regarding JNUS, the level of accuracy of the provided data etc., should also be included.

Coordinators should receive information about the outcome of the financial sanction procedures from the responsible authority. The coordinator should maintain a record of enforcement measures (taken or proposed) and the responsible authority should ideally publish the list of operators and sanction amounts on their website.

9. APPENDIX

<h1>INTERVENTION SCHEME</h1>
Once discrepancies are detected the next steps are taken:
<h2>1. Prevention & Dialogue</h2>
a. Informing, addressing and validating
b. Dialogue: Improvement plan / alternative options (intentions of airline requested by coordinator to airline) followed by X weeks monitoring
c. Decision on tightened supervision
<h2>2. Correction</h2>
a. Meeting between coordinator and airline: Discuss improvement plan
b. coordinator informs airline on outcome monitoring
c. Official warning by sending decision on intended sanction (warning, tightened supervision, cease and desist order, consultation with management)
<h2>3. Sanctioning</h2>
a. Period of monitoring as determined in 2c
b. Decision on actions
c. Carry out enforcement measures

Timelines may differ per coordinator and per category of monitoring.

It is however recommended that coordinators find a harmonized way for the defined timelines for the steps in the intervention scheme.