



Besluit van de Minister van Infrastructuur en Waterstaat, van 15 juni 2018, nr. IENW/BSK-2018/121358, houdende afkeuring van het lokaal richtsnoer 'Schiphol Local Rule 2'

De Minister van Infrastructuur en Waterstaat,

Gelet op artikel 8, vijfde lid, van Verordening (EEG) nr. 95/93 van de Raad van 18 januari 1993 betreffende gemeenschappelijke regels voor de toewijzing van 'slots' op communautaire luchthavens (Pb L 14);

Overwegende dat het Coordination Committee Netherlands een voorstel voor een lokaal richtsnoer heeft aangenomen op 14 februari 2018 en ter goedkeuring heeft voorgelegd;

BESLUIT:

Artikel 1

Het door het Coordination Committee Netherlands voorgestelde lokaal richtsnoer, genaamd 'Schiphol Local Rule 2', gevoegd in de bijlage bij dit besluit, wordt niet goedgekeurd.

Artikel 2

Dit besluit treedt in werking met ingang van de dag na de datum van uitgifte van de Staatscourant waarin het wordt geplaatst.

Dit besluit wordt met de bijbehorende toelichting in de Staatscourant geplaatst.

*De Minister van Infrastructuur en Waterstaat,
C. van Nieuwenhuizen Wijbenga*



BIJLAGE: SCHIPHOL LOCAL RULE 2

SCHIPHOL LOCAL RULE 2

Determination of Historic rights and Ad-Hoc allocation of slots that become available after the Historic Baseline Date

1 Introduction

- 1.1 This document sets out the procedures for the allocation of (Ad Hoc) slots that become available after the historical baseline date for the applicable IATA season and the procedures for controlling ad hoc changes to existing Series of Slot allocated for Schiphol Airport.
- 1.2 The objective of this Local Rule is to enhance the possibilities to make full use of available capacity for the benefit of all types of traffic in accordance with prevailing rules and regulations and to safeguard the continuity of sustainable operations by airlines and maintain the reliability of their schedules. It is designed to ensure that in-season capacity is administered in a flexible, neutral, non-discriminatory and transparent way. It also seeks to prevent ad hoc operations from increasing congestion and impacting upon the efficient operation of the airport.
- 1.3 This local rule only applies to slots allocated for day time departures and arrivals, with an exception for the so-called Slots for incidental and unexpected operational variations, which is for the whole 24 hour day Period (as defined in 5.1.1). Day time slots consist of departure slots between 07:00 – 22:39 LT and arrival slots between 07:20 – 22:59 LT.
- 1.4 This local rule will be evaluated after the first year or earlier, when deemed applicable.

2 Definitions

In these procedures the following words shall have the following meanings:

- a. **ACNL:** Airport Coordination the Netherlands, the Coordinator.
- b. **In Season Slot Pool:** the slots that become available during an IATA season from returned and non-operated slots (actual data) after the historical baseline date for that applicable IATA season. Any transferred slots from the previous season are not included in this In Season Slot Pool.
- c. **Period:** the applicable IATA season is divided in Periods of two weeks. In case of an odd number of weeks, the last Period will consist of three weeks.
- d. **Ad Hoc Slot:** an allocated slot which is not eligible for historic precedence
- e. **AMS:** Amsterdam Airport Schiphol
- f. **LVNL:** Luchtverkeersleiding Nederland, Air Traffic Control the Netherlands, the provider of air traffic services.
- g. **Series of Slots:** at least 5 slots requested for the same time on the same day-of-the-week, distributed regularly in the same season, and allocated in that way or, if that is not possible, allocated at approximately the same time.
- h. **Slot:** a permission given by a coordinator for a planned operation to use the full range of airport infrastructure necessary to arrive or depart at a Level 3 airport on a specific date and time.
- i. **Commercial Passenger Flights** are flights with service type J, C, Q, G, E, as defined in the IATA SSIM Manual
- j. **Commercial All-Cargo Flights** are flights with service type F, H, M, A as defined in the IATA SSIM Manual.
- k. **General Aviation:** all aviation except commercial aviation. Including but not limited to business aviation, air taxi operations, training flights, not-commercial positioning flights and technical flights.

3 Hourly Capacity

Hourly capacity is constrained by the operational runway capacity as declared by LVNL in the capacity declaration of the applicable IATA season.



4 Maintaining historic precedence

Ad hoc operational changes caused by circumstances beyond airlines' control, or ad hoc commercial adjustments to slots as confirmed by ACNL, may not lead to loss of historic precedence.

In addition to articles 8.10.5, 8.11 and 8.7.1 of the IATA Worldwide Slot Guidelines (WSG), therefore the following local rule applies for all carriers operating to/from AMS:

- 4.1 *When long term disruptions result in a rescheduling process, the treatment of eligibility for historic precedence should be discussed and agreed between the coordinator and the airline. In case of flights (consequently) delayed by significant operational variations affected by an event beyond the airlines control during maximum 48 hours before operation, the original slots will be treated as operated.*
- 4.2 *Slots are not route, aircraft or flight number specific and may be changed by an airline from one route, flight number, or type of service, to another, subject to final confirmation by the coordinator, in accordance with WSG art.8.11.2. In any case, this will not affect the eligibility for historic precedence of the original slot.*

5 Priority in Ad Hoc Slot allocation

The priority in Ad Hoc Slot allocation from the In Season Slot Pool, is prioritized as follows:

- 5.1 Highest priority is given to incidental and unexpected operational variations. On a seasonal basis a provision will be made to serve this purpose;
- 5.2 An allocation priority for the remaining slots of the In Season Slot Pool

5.1. Slots for incidental and unexpected operational variations

It is necessary to use the scarce capacity at AMS in the most efficient way and at the same time assure that planned operations can be continued as much as possible. Therefore, high priority is given to incidental and unexpected operational variations as for instance AOG's and diverted flights and the consequences thereof. In order to overcome the difference between planned schedules and their actual operations and to create resilience and reliability in the operations of airlines and the airport, it is necessary to address these incidental and unexpected situations. Therefore, out of the (anticipated) number of returned slots, per IATA season, ACNL shall make available a reasonable number of slots as a provision for such cases, based on experience of the last 5 years.

The following local rule applies for all carriers operating to/from AMS in addition to WSG 8.10:

- 5.1.1. *Within the In Season Slot Pool, ACNL must hold, from the start of that season, a reasonable number of slots (in anticipation) of returned slots per IATA season, for Ad Hoc allocation in incidental and in unexpected occasions (e.g. AOG's, diverted flights). In such cases highest priority shall be given to accommodate these occasions. This number of slots shall be based on data of the last five years in equivalent seasons.*

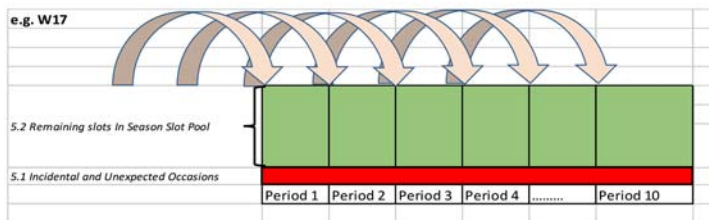
5.2. Allocation of the remaining slots from the In Season Slot Pool

After priority is given to slots for incidental and unexpected operational variations, the remaining slots from the In Season Slot Pool should be used in the most efficient manner and at the same time ensure the needs of the travelling public and the shippers. To that effect, the remaining slots shall be distributed in a certain ratio as set out below, over both airline service types (the class of all Commercial Passenger Flights on the one hand and the class of all Commercial All Cargo Flights on the other hand) per Period within the specific season. As the season progresses, the estimated number of Ad Hoc Slots available for allocation will be adjusted on the basis of the most current data to the actual number of available slots per service type. For each Period, ACNL shall make an updated prognosis of the remaining slots. These remaining Ad Hoc Slots will also be distributed in that ratio among the mentioned classes of airline service types.



The following local rule applies for all carriers operating to/from AMS in addition to WSG 8.18, 9.14, and 9.16:

- 5.2.1 Based on the analysis of the 5 former equivalent IATA seasons, ACNL shall, before the start of any IATA season, estimate the Number of returned and non operated Slots that become available for Ad Hoc allocation (Initial Estimate), after deduction of the required slots for incidental and unexpected operational variations (as mentioned under 5.1.1).
- 5.2.2 For Ad Hoc allocation, seasons will be divided in Periods of two weeks and in case of an odd number of weeks, the last Period will consist of three weeks. Requests can be done for such Periods only and consequently, there is no priority for requests of Series of Slots.
- 5.2.3 Per Period, the number of Slots from the In Season Slot Pool will be distributed in a certain ratio as stated in 5.2.6 among the different airline service types. After each Period, the estimate for the whole season will be updated, using actual data. This will lead to updates on the availability of Slots for Ad Hoc allocation over the remaining Periods in that specific season.
- 5.2.4 Airlines can request the Ad Hoc Slots at any time until these slots will be allocated. These requests will be put on the wait list. Newly additional requests (not part of the Initial submission) will have lower priority. The wait list will be used for the In Season Slot Pool.
- 5.2.5 Four weeks before the start of each Period, the number of Slots that has been made available for Ad Hoc allocation during that Period, will be allocated to airlines that have filed a request for Ad Hoc Slots for the applicable Period. (see Figure 1 below)
- 5.2.6 For each Period the number of Slots to be allocated from the In Season Slot Pool will be allocated with the following decision tree:
 1. The number of slots to be allocated for a given Period will be divided according to the 75% - 25% ratio for the respective classes of all Commercial Passenger Flights and all Commercial All-Cargo Flights.
 2. Allocate the number of slots available for this Period to the Initial Submission requests using the numbers of slots for each class from step 1.
 3. Any requests with Initial Submission priority, remaining for this Period will be honored.
 4. The remaining number of slots after step 3 will be divided according to the 75% - 25% ratio for the respective classes of all Commercial Passenger Flights and all Commercial All-Cargo Flights.
 5. Allocate the number of slots available for this Period to requests without Initial Submission priority, using the numbers of slots for each class from step 4.
 6. Any requests without Initial Submission priority, remaining for this Period will be honored.
 7. Any slot from the Initial Estimate still available after step 6 will be equally divided over the remaining Periods of that season.
- 5.2.7 In case the actual number of returned slots exceeds the Initial Estimate, the difference between the two, will be allocated from the Wait List according to normal wait list priorities. In this case no specific ratio (as in 5.2.6) or Period applies.
- 5.2.8 To ensure optimal use of the scarce capacity, allocated Ad Hoc Slots must be operated. In case an Airline intentionally fails to do so, the coordinator may give lower priority to that Airline in subsequent Periods, after consultation with that Airline.



3 of 4

Schiphol Local Rule 1

February 2018



Figure 1

6 General aviation requests

For all General Aviation Ad Hoc Slot requests, airlines must follow the General Aviation procedure, as set out on the [website of ACNL](#)

7 Responses to Requests

- 7.1 ACNL will reply to all requests as soon as possible.
- 7.2 ACNL endeavor to respond to most requests within 24 hours and all within 3 business days.
- 7.3 Workload is prioritized for urgent requests i.e. operations for today or tomorrow.
- 7.4 Responses will be in writing by e-mail. Offers made by telephone will be followed up in writing.
- 7.5 Operators must Accept or Decline offers made as soon as possible, and at the latest within 3 business days or the offer will be withdrawn.



TOELICHTING

Op 14 februari 2018 heeft het Coordination Committee Netherlands (hierna: CCN) een lokaal richtsnoer voorgesteld. Het betreft een lokaal richtsnoer als bedoeld in artikel 8, vijfde lid, van Verordening (EEG) nr. 95/93 van de Raad van 18 januari 1993 betreffende gemeenschappelijke regels voor de toewijzing van 'slots' op communautaire luchthavens (Pb L 14) (hierna: de slotverordening).

De procedure

Op grond van de slotverordening moet de slotcoördinator rekening houden met lokale richtsnoeren die door het coördinatiecomité zijn voorgesteld en door de verantwoordelijke lidstaat zijn goedgekeurd.

Binnen CCN is het lokaal richtsnoer voorgesteld en in stemming gebracht. De stemverhouding was als volgt: 481 stemmen voor (89,19%), 0 stemmen tegen (0,0%) en 58 stemmen onthouding (10,81%). Daarmee heeft CCN volgens de geëigende procedure een voorstel gedaan voor een lokaal richtsnoer.

Inhoudelijke beoordeling

Desalniettemin wordt het lokaal richtsnoer dat door het CCN is voorgesteld niet goedgekeurd. De goedkeuring wordt onthouden vanwege het volgende.

Het lokaal richtsnoer voorziet, onder meer, in de vorming van een zogenoemde 'In Season Slot Pool'. Op grond van het lokaal richtsnoer worden uit deze In Season Slot Pool ook slots gealloceerd op basis van een inschatting. Dit betekent dat er slots gealloceerd kunnen worden die niet daadwerkelijk zijn teruggeven of onbenut zijn gebleven.

Dit heeft tot gevolg dat er een risico op een overschrijding van het maximum aantal vluchten bestaat. Immers, in de capaciteitsdeclaratie voorafgaand aan het seizoen moet alle beschikbare capaciteit zijn weergegeven op basis waarvan slots worden gealloceerd. Slots die vervolgens lopende het seizoen worden gealloceerd op basis van een inschatting zouden hier aldus bovenop komen.

Bovendien geldt op basis van de Wet luchtvaart een verantwoordelijkheid voor de exploitant van de luchthaven, de verlener van luchtverkeersdiensten en de luchtvaartmaatschappijen om de grenswaarden niet te overschrijden (artikel 8.18). Dit lokaal richtsnoer daarentegen, zou moeten worden toegepast door de slotcoördinator. Die zou daarmee aldus een rol en verantwoordelijkheid krijgen bij het voorkomen van het overschrijden van deze grenswaarden. Dat staat haaks op het uitgangspunt in de wet.

Tot slot brengt het feit dat slots op basis van een inschatting worden gealloceerd met zich mee dat dit in feite slots zijn, die geheel buiten de verdelingsregels van de slotverordening om worden gealloceerd.

*De Minister van Infrastructuur en Waterstaat,
C. van Nieuwenhuizen Wijbenga*