

Slot Coordination

1.1 EEC Regulation No 95/93 on common rules for the allocation of slots (as amended, the '1993 Regulation') establishes rules that help ensure the non-discriminatory, efficient and transparent allocation of slots and facilitation of schedule changes at busy EC airports, to help make the most efficient use of airport capacity.¹

1.2 The 1993 Regulation has been transposed by the Airports Slot Allocation Regulations 2006 ('the 2006 Regulations').²

1.3 The Preamble to the 1993 Regulations makes it clear that the Council of the European Communities adopts the Regulation (emphasis added) in circumstances where:

'... there is a growing imbalance between the expansion of the air transport system in Europe and the availability of adequate airport infrastructure to meet that demand ; [and where] there is, as a result, an increasing number of congested airports in the Community;' and

'... the allocation of slots at congested airports should be based on neutral, transparent and non-discriminatory rules;'

1.4 A slot is defined by art. 2(a) of the 1993 Regulation as:

'the permission given by a coordinator in accordance with this Regulation to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on a specific date and time for the purpose of landing or take-off as allocated by a coordinator in accordance with this Regulation'. (See also reg. 2 of the 2006 Regulations.)

1.5 The 1993 Regulation effectively provides for 3 categories of airport slot coordination status, reflecting the degree of potential congestion at an airport and the intervention needed to help reduce congestion and delays.

1.6 The categories are:

- coordinated – the most congested airports, where all slots must be allocated by an independent coordinator in accordance with the regulation. In the UK, London Heathrow, Gatwick, Stansted, London City, Luton, Manchester and Birmingham are coordinated airports. Bristol is partially coordinated for night-time operations in the summer season.
- schedules facilitated – airports where there is potential for congestion at certain times and where an independent "schedules facilitator" has a formal role under the regulation to seek

¹ See: [EUR-Lex - 01993R0095-20090630 - EN - EUR-Lex \(europa.eu\)](#)

See also: https://www.acl-uk.org/wp-content/uploads/2021/01/Combined-text-EU-Slot-Reg-following-Brexit_Dec-2020_CLEAN.pdf

² See: <https://www.legislation.gov.uk/uksi/2019/276/contents/made>

to ensure that airlines' planned air services can all be accommodated by voluntary agreements between airlines.

- other – less busy airports where airlines' air service schedules can generally all be accommodated without difficulty.

1.7 Under the 1993 Regulation an airport can be designated as '*coordinated*' or '*schedules facilitated*' by the relevant member state. In the UK this power is exercised by the Secretary of State for Transport.

1.8 The conditions for airport coordination are prescribed in art. 3 of the 1993 Regulation and reg. 3 of the 2006 Regulations. Pursuant to reg. 3(3) of the 2006 Regulations, the managing body of an airport (in this case Bristol Airport Limited) must carry out a capacity analysis in the circumstances specified in (and in accordance with) paragraph 3 of art. 3 of the 1993 Regulation which provides:

'Where an airport has no designation status, or is designated as schedules facilitated, a thorough capacity analysis must be carried out when the managing body of the airport considers it necessary, or within six months:

- (i) following a written request from air carriers representing more than half of the operations at an airport or from the managing body of the airport when either considers that capacity is insufficient for actual or planned operations at certain periods; or*
- (ii) upon request from the Secretary of State, in particular where an airport is in reality accessible only for air carriers that have been allocated slots or where air carriers and in particular new entrants encounter serious problems in securing landing and take off possibilities at the airport in question.*

This analysis, based on commonly recognised methods, shall determine any shortfall in capacity, taking into account environmental constraints at the airport in question. The analysis shall consider the possibilities of overcoming such shortfall through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems. It shall be updated if paragraph 5 has been invoked, or when there are changes at the airport influencing significantly its capacity and capacity usage. Both the analysis and the method used shall be made available to the parties having requested the analysis and, upon request, to other interested parties. The analysis shall be communicated to the Secretary of State at the same time.'

1.9 This should be read together with paras. 4, 5 and 7 of art. 3 of the 1993 Regulation which provide:

- '4. On the basis of the analysis, the Secretary of State shall consult on the capacity situation at the airport with the managing body of the airport, the air carriers using the airport regularly, their representative organisations, representatives of general aviation using the airport regularly and air traffic control authorities.*
- 5. Where capacity problems occur for at least one scheduling period, the Secretary of State may designate an airport as coordinated for the relevant periods only if:*

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

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

7. *When a capacity sufficient to meet actual or planned operations is provided at a fully coordinated airport, its designation as a fully coordinated airport shall be lifted'*

1.10 Under the 1993 Regulation, the airport operator then appoints a coordinator or schedules facilitator as appropriate. This appointment is subject to the Secretary of State's approval following consultation with the airport users, their representatives and, where appropriate, coordination committees. Bristol Airport has appointed Airports Coordination Limited ('ACL') as its independent coordinator during the coordinated summer night time period and as its independent schedules facilitator for the rest of the year. See art. 4 of the 1993 Regulation and reg. 4 of the 2006 Regulations.

1.11 Pursuant to regs. 14 – 18 of the 2006 Regulations, the coordinator at a coordinated airport has a range of enforcement powers to ensure that an air carrier operating at a coordinated airport does not operate air services at times significantly different from the allocated slots or uses slots in a significantly different way from that indicated at the time of allocation, where such use causes prejudice to airport or air traffic operations. Those powers include: issuing a direction to the air carrier (see reg. 15) and the imposition of penalties (see reg. 16).

1.12 A schedules facilitator does not have any equivalent enforcement powers. Rather, the role of a schedules facilitator is to '*advise*' air carriers and to '*recommend*' alternative arrival and/or departure times when congestion is likely to occur (see art. 4 of the 1993 Regulation).