



European Economic and Social Committee

TEN/150
Slot allocation/Summer 2004

Brussels, 18 June 2003

OPINION

of the European Economic and Social Committee

on the

Proposal for a Regulation of the European Parliament and of the Council amending the amended proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No. 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports

COM(2003) 207 final - 2001/0140(COD)

ADMINISTRATOR: **Luís Lobo**

On 28 May 2003, the Council decided to consult the European Economic and Social Committee, under Article 80 (2) of the Treaty establishing the European Community, on the

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COM(2003) 207 final - 2001/0140 (COD).

On 17 June 2003 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the work on the subject.

At its 400th plenary session of 18 and 19 June 2003 (meeting of 18 June), and in view of the urgency of the matter, the European Economic and Social Committee appointed **Mr Green** as rapporteur-general and adopted the following opinion by 64 votes in favour, with two abstentions.

1. Background

1.1 Article 10(3) of Council Regulation (EEC) 95/93¹ establishes that slots which are allocated to an air carrier shall not entitle that air carrier to the same series of slots in the next equivalent period, unless it can demonstrate that they have been operated by that air carrier for at least 80% of the time during the period for which they have been allocated. If the 80% usage of the series of slots cannot be demonstrated, all the slots constituting that series shall be placed in the slot pool, unless the non-utilization can be justified as set out on Article 10(5) ("use-it-or-lose-it" rule).

1.2 The war launched in March 2003 against Iraq and the political developments that followed such launch as well as the outbreak of the Severe Acute Respiratory Syndrome (SARS) have seriously affected the air transport operations of air carriers and have triggered a significant reduction in demand in the beginning of the summer 2003 scheduling season.

1.3 In order to make sure that the non-utilisation of slots allocated for that season does not cause air carriers to lose their entitlement to those slots, it is necessary to provide clearly and unambiguously that those scheduling seasons are adversely affected by the armed conflict.

1.4 Accordingly, the Commission proposes to introduce a new Article 10b into the Regulation whereby coordinators would accept that, when air carriers attribute the non-utilisation of slots allocated to them for the Summer 2003 scheduling season to the hostilities in Iraq, they are allocated these slots for the next equivalent scheduling season (Summer 2004).

1.5 An important aspect of this proposal is its timing. The proposed rule needs to enter into force before 15 September 2003, date at which the usage calculation for slots with "grandfather

¹ Council Regulation (EEC) 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14 of 22.1.1993, p.1) – EESC Opinion : OJ C 339 of 31.12.1991, p. 41.

status" for that season will be established, to allow coordinators and air carriers to safeguard unused slots.

2. General comments and conclusions

2.1 The EESC reiterates its comments regarding the allocation of slots for 2003 following the 11 September 2001². It agrees with the Commission proposal insofar as it takes into account exceptional circumstances and gives legal certainty to coordinators.

2.2 In fact, coordinators risked legal challenge unless the question of the "use-it-or-lose-it" rule was clearly and unambiguously dealt with.

2.3 At the same time the proposal allows planning certainty for carriers.

2.4 However, the EESC draws the attention of the institutions to the fact that providing slot protection to the airlines should not create unfair competition preventing new companies to access to the market.

Brussels, 18 June 2003

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini

²

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No. 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports – EESC Opinion : OJ C 125 of 27/05/2002, p. 74.