Slot Enforcement Code

Misuse of Slots in the Netherlands

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Kingsfordweg 1

1043 GN Amsterdam
Postal box 16191, 2500 BD The Hague

+31 (0)88 489 00 00
www.ilent.nl

Airport Coordination Netherlands (ACNL)

The Base A
Evert van de Beekstraat 1-23
1118 CL Schiphol

+31 (0)20 4059730
www.slotcoordination.nl
info@slotcoordination.nl

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CHAPTER 1 - INTRODUCTION

1.1 Vision

Access for air carriers to congested airports is coordinated through slots to ensure stable operations and efficient use of airport capacity. An airport declares its maximum capacity in terms of environmental, technical and operational parameters. Based on the specific details of an intended flight an air carrier or other aircraft operator submits a slot request to the slot coordinator. If a slot is allocated, the air carrier or other aircraft operator has a permission to use the full range of airport infrastructure necessary to operate the flight from/to the coordinated airport for the purpose of landing or take-off on the specific time and date as allocated by the coordinator.

Deviations between intended and/or actual operation and the allocated slot must be avoided. Such deviations could impact stable operations and efficient use of airport capacity; it can harm the industry chain with airport operators, ground handlers, border police, customs, other air carriers and other aircraft operators and Air Navigation Service Providers (ANSPs). In the end slot coordination benefits all industry stakeholders through aiming for stable operations and efficient use of the airport capacity and its infrastructure.

1.2 Context

While at most coordinated airports worldwide airport capacity largely meets demand from air carriers or other aircraft operators, challenges do exist for the Dutch coordinated airports; at these airports demand outstrips capacity and strict environmental constraints exists. Every season, a substantive part of slot requests cannot be accommodated during initial allocation (SAL), leading to extensive slotted (requests for time changes of already allocated slots) and non-slotted (requests for allocation of a slot) waitlists.

Consequently, compared to most other coordinated airports worldwide, adherence to an allocated slot and keeping requests at the waitlists up-to-date is important at Dutch coordinated airports. Flights operated on a different time to the allocated slot, especially on restrictive hours outside the day-time, could have a significant impact on stability of airport operations and surrounding residents.

1.3 Objectives

In the Netherlands, two authorities are responsible for enforcement of slots; this Slot Enforcement Code ('SEC') is drafted by Airport Coordination Netherlands (ACNL), the Dutch slot coordinator, and the Human Environment and Transport Inspectorate, the Dutch Civil Aviation Authority (CAA-NL), to:

- Harmonize, combine and explain the roles of two authorities involved in the slot monitoring and slot enforcement
- Elaborate the different forms of slot misuse as defined in the relevant European and Dutch law and additionally in worldwide industry guidelines.
- Provide a transparent overview of the uniform intervention and sanction scheme for the different types of slot misuse.
- Further optimize the monitoring strategy and slot performance, aiming, where circumstances allow, taking into account administrative burden on air carriers and other aircraft operators. The SEC does not establish new (legal) competences, sanctions or forms of slot misuse, but clarifies and elaborates the existing regulatory competences of the monitoring and enforcement bodies.

1.4 Application

This SEC applies to slot requests, allocated slots and operations of both commercial aviation and General Aviation ('GA') on all Dutch coordinated (Level 3) airports.

CHAPTER 2 - SLOT MISUSE

This chapter elaborates the applicable legal framework, the types of misuse and the enforcement policy.

2.1 Legal framework

The applicable legal framework for slot monitoring and slot enforcement in the Netherlands consists of the following European and Dutch legislation.

2.1.1 European legislation

- **Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports**, as amended **('Slot Regulation')**
    - Article 4 regarding the task of a coordinator to monitor the conformity of operations with the slots allocated to them and including time and other relevant parameters.
    - Article 8(5) regarding for a coordinator to take into account additional rules and guidelines established by the air transport industry world-wide or Community-wide, provided they do not affect the independent status of the coordinator, comply with Community law and aim at improving the efficient use of airport capacity.

        such as the

        - Worldwide Airport Slot Guidelines (WASG)
            - Chapter 9, regarding the process of monitoring and enforcement, the roles and defines types of misuse of slots.
        - EUACA Recommended Practices
            - EUACA Slot Enforcement Guidelines.
    - Article 14
        - (4)enables the ***coordinator***, in case an air carrier repeatedly and intentionally operate air services at a time significantly different from the allocated slots 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, to not allocate the same series of slots in the next equivalent scheduling period or to withdraw 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.
            - Definitions of repeatedly, intentionally and procedures are elaborated by ACNL by means of policy rules (such as this SEC) and working procedures.
        - (5) obliges the ***Member State*** to establish and apply effective, proportionate and dissuasive penalties or equivalent measures to air carriers who repeatedly and intentionally fail to comply with the Slot Regulation.
            - Implemented by the Member State by means of defining prohibitions in Besluit slotallocatie (Slot Allocation Decree), and the consequences of violation of those prohibitions by CAA-NL are published by means of policy rules.

2.1.2 Dutch legislation

- **Wet luchtvaart (The Act on Aviation)**
    - Articles 8.17, 11.1, 11.15, 11.16 and 8a.52 that establish the legal authority for enforcement and sanctioning by CAA-NL.
    - Article 8a.64 appoints ACNL as schedules facilitator or airport coordinator.

- **Besluit slotallocatie (Slot Allocation Decree)**
    - Article 7 prohibits specific types of slot misuse.
- **Algemene wet bestuursrecht (General Administrative Law Act)**
    - Contains general rules on procedures for administrative authorities.
    - Article 4:81 provides that both ACNL and CAA-NL can adopt policy rules to a power vested in it or exercised under its responsibility.

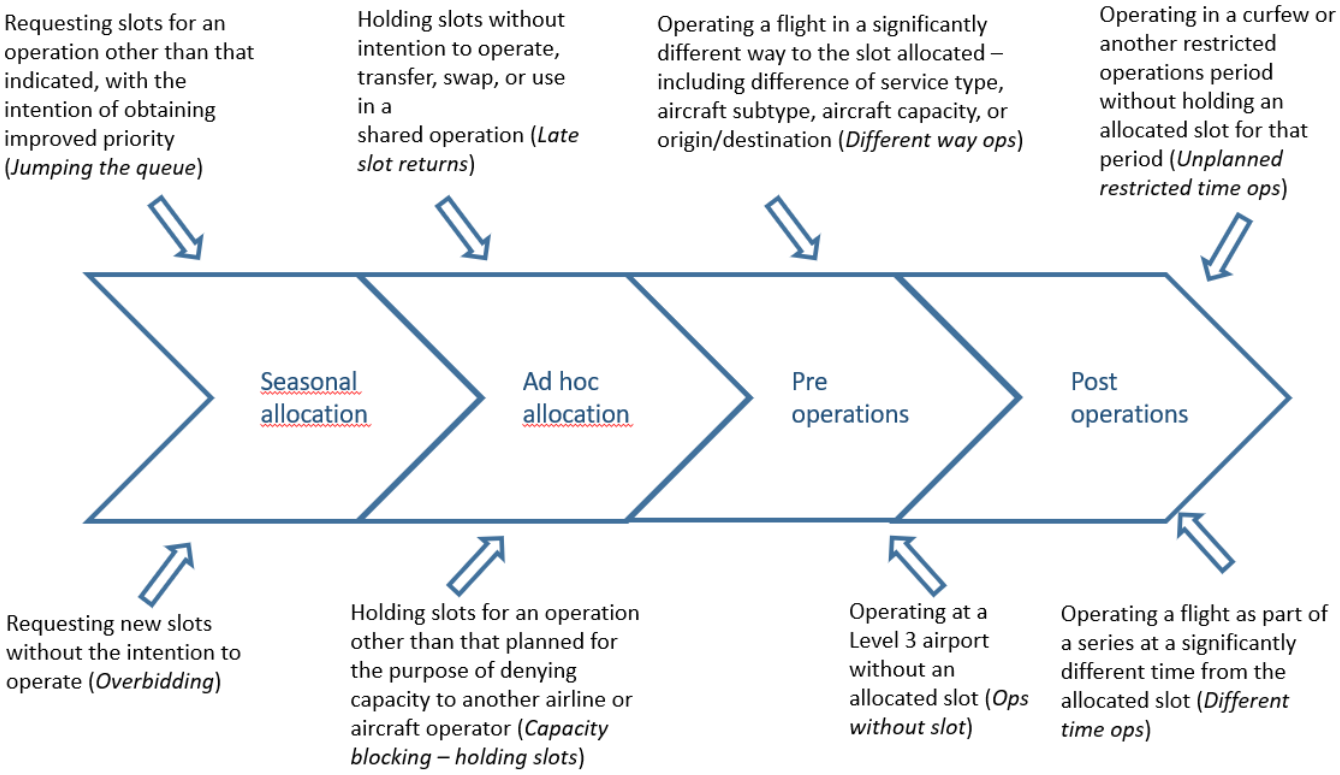
2.1.3 Flowcharts 'Slot requests': 'Normal Operations' and 'Abnormal Operations'

To visualize application of above-described legislation, the Ministry of Infrastructure and Water Management published two flowcharts 'Slot requests', one for 'Normal Operations' and one for 'Abnormal Operations', available at www.slotcoordination.nl, which show which service type code (STC) corresponds to each kind of situation. Due to specific Dutch circumstances and movement limits, for specific situations some STCs to be applied may differ from international practice, in order to keep the Dutch coordinated airports accessible for air carriers and other aircraft operators in case of irregularities. An airline or other aircraft operator must request the correct applicable STC according to these flowcharts.

2.2 Types of slot misuse

The figure below shows the types of misuse for the various phases of the airport slot process.

The slot misuse types are not limited to the exact location in the diagram below; they can occur at any time during the applicable process or operation.



The overview below indicates for every type of misuse a short name, non-exhaustive examples, the legal basis, the WASG reference, the sanctioning conditions, the respective enforcement and what the options for sanctions are.

Type of misuse	*Short name*	*Example of misuse (not limited to)*	*Legal basis*	*WASG reference*	*Conditions for sanctioning*	*Enforcement by + Options for sanctions:*
Requesting slots for an operation other than that indicated, with the intention of obtaining improved priority	Jumping the queue	• Requesting a slot using a certain priority while conditions are not present, such as, but not limited to: - requesting a slot for an operation with quieter aircraft while operations are scheduled with a noisier aircraft. - requesting a series of slots with new entrant priority while conditions do not allow for new entrant request - requesting a date change for a slot allocated under Article 8(7) of EU Regulation 95/93	EU Regulation 95/93	9.2.2 g)	Repetition: See WP ACNL Intentional: When the airline or other aircraft operator has already been notified of possible slot misuse by ACNL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season CAA-NL: no enforcement by CAA-NL
Requesting new slots without the intention to operate	Overbidding	• Inaccuracies in the airline's or other aircraft operators' outstanding waitlist requests • After SRD until End of Season, shortly after allocation repeatedly returning a slot which was allocated from the waitlist. • Rescheduling a slot to a later date in the season without direct intention to use the slot for the requested date, time, aircraft type, service type and destination/origin.	EU Regulation 95/93	9.2.2 f)	Repetition: See WP ACNL Intentional: When the airline or other aircraft operator has already been notified of possible slot misuse by ACNL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season CAA-NL: no enforcement by CAA-NL
Holding slots without intention to operate, transfer, swap, or use in a shared operation	Late slot returns	• Inaccuracies in the airline's or other aircraft operators' updating of the slot portfolio (allocated slots) • Repeatedly returning series of slots between Series Return Deadline and Historic Baseline Date (not complying with the Series Return Deadline) • After HBD, repeatedly returning a slot shortly before or on day of operation and initially intended use cannot be proven	EU Regulation 95/93	9.2.2 d)	Repetition: See WP ACNL Intentional: When the airline or other aircraft operator has already been notified of possible slot misuse by ACNL (ref. WASG 9.4.4.3). and/ or Consciously accept the significant possibility that	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season

					a certain consequence will occur	CAA-NL: no enforcement by CAA-NL
Holding slots for an operation other than that planned for the purpose of denying capacity to another airline or aircraft operator	Capacity blocking (holding slots)	• Repeatedly returning series of slots between Series Return Deadline and Historic Baseline Date (not complying with the Series Return Deadline) and intended use cannot be proven • After HBD, repeatedly returning a slot shortly before or on day of operation and initially intended use cannot be proven • After a few weeks after a slot has been allocated the respective flight is still not open for sale	EU Regulation 95/93	9.2.2 e)	Repetition: See WP ACNL Intentional: When the airline or other aircraft operator has already been notified of possible slot misuse by ACNL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season CAA-NL: no enforcement by CAA-NL
Operating a flight in a significantly different way to the slot allocated – including difference of service type, aircraft subtype, aircraft capacity, or origin/destination	Different way ops	• Operating Intra/Extra Schengen routes when having requested otherwise. • Operating with different aircraft type and number of seats • Operating a commercial flight when having requested otherwise	ACNL: EU Regulation 95/93 Art 14 (4): "*significant* different way" CAA-NL: EU Regulation 95/93 Art 14 (5), Besluit slotallocatie (Slot Allocation Decree): "*substantial* different way" is applicable	9.2.2. c)	Repetition: ACNL: see WP CAA-NL: more than once during one IATA-season Intentional: Operating the flight with the knowledge that it differs on service type, aircraft subtype, aircraft capacity or origin/ destination from the allocated slot, and/or when the airline or other aircraft operator has already been notified of possible slot misuse by ACNL or CAA-NL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur Prejudice to airport or air traffic operations:	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season CAA-NL: • order subject to a penalty for non-compliance; • administrative fine

					If the different way ops results in an exceedance of any applicable coordination parameter or airport managing body or ANSP can prove prejudice otherwise.	
Operating at a Level 3 airport without an allocated slot	Ops without slot	-	EU Regulation 95/93, Besluit slotallocatie (Slot Allocation Decree)	9.2.2.a)	Repetition and intentional not considered	ACNL: No enforcement by ACNL CAA-NL: • order subject to a penalty for non-compliance; • administrative fine
Operating in a curfew or another restricted operations period without holding an allocated slot for that period	Unplanned restricted time ops	• Intentionally operating a flight during the night regime for which a day slot was allocated, since the slot is allocated close to the night regime and in the flight schedule, operational variabilities are insufficiently taken in account. • Changing the execution of a flight and overlooking the fact that the slot planning also has to be changed.	ACNL: EU Regulation 95/93 Art 14 (4): "*significant* different time" and "series of slots" is applicable CAA-NL: EU Regulation 95/93 Art 14 (5), Besluit slotallocatie (Slot Allocation Decree): "*substantial* different time" is applicable	9.2.2. h)	Repetition: ACNL: See WP CAA-NL: more than once during one IATA-season Intentional: Operating the flight with the knowledge that it differs from the allocated slot, and/or when the airline or other aircraft operator has already been notified of possible slot misuse by ACNL or CAA-NL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	ACNL: for restricted time ops: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for remaining portion of current season CAA-NL: for unplanned night ops: • order subject to a penalty for non-compliance; • administrative fine
Operating a flight as part of a series at a significantly different time from the allocated slot	Different time ops	-	ACNL: EU Regulation 95/93 Art 14 (4): "*significant* different time" and "series of slots" is applicable CAA-NL: EU Regulation 95/93 Art 14 (5), Besluit slotallocatie (Slot Allocation Decree)	9.2.2. b)	Repetition: ACNL: See WP CAA-NL: more than once during same IATA season. Intentional: Operating the flight with the knowledge that the on/off-block time differs from the allocated slot,	ACNL: • referral of the matter to CCN; • loss of historic precedence for the series of slots involved in next equivalent season; • lower priority for new future requests in next equivalent season; • withdrawal of series of slots involved for

			"*substantial* different time" is applicable		and/or when the airline or other aircraft operator has already been notified of possible slot misuse by ACNL or CAA-NL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	remaining portion of current season CAA-NL: • order subject to a penalty for non-compliance; • administrative fine
Not operating a flight for which a slot was allocated	Slot not cancelled		Besluit slotallocatie (Slot Allocation Decree)	9.2.2. d)	Repetition: more than once during same IATA season Intention: When the airline or other aircraft operator has in the same season previously been notified of possible slot misuse by CAA - NL (ref. WASG 9.4.4.3) and/ or Consciously accept the significant possibility that a certain consequence will occur	ACNL: No enforcement by ACNL in terms of slot misuse , however administrated regarding the UIOLI-rule CAA-NL: • order subject to a penalty for non-compliance; • administrative fine

Repetitive infringements can occur when airlines do not perform their role as laid out in WASG 9.1.3 to review their own slot performance and identify corrective actions where necessary, prior to intervention from coordinators.

ACNL's Working Procedure in which 'repetition' is defined can be found at www.slotcoordination.nl.

2.3 Enforcement policy

The data used by ACNL and CAA-NL to perform slot monitoring duties are the data directly provided from the airport managing bodies as they have registered in their systems (and the data in the slot allocation system used by ACNL.

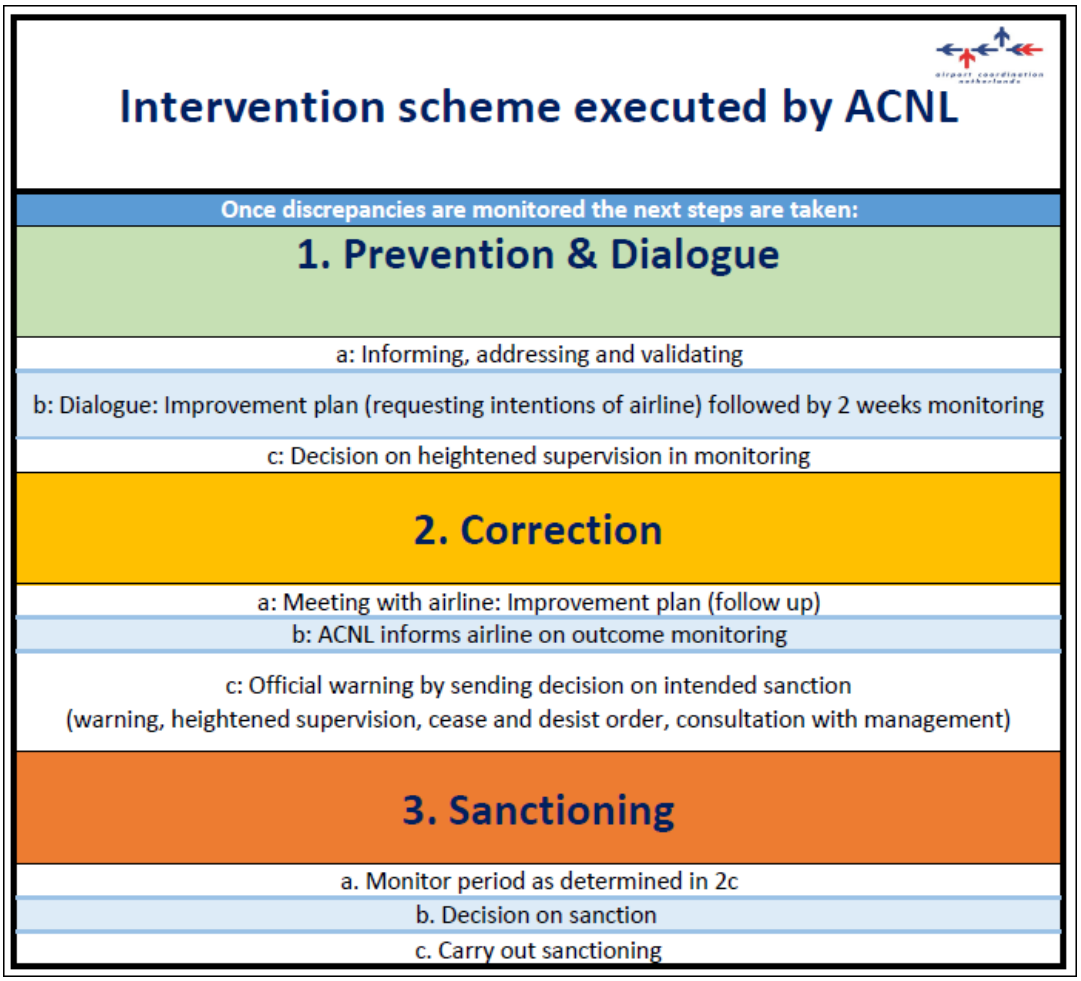
In general, slot enforcement is conducted in case of (potential) repeated and intentional (except for Ops without slot) slot (planning) misuse cases (not for individual on-the-day deviations).

2.3.1 Intervention strategy

The basis of the enforcement policy is derived from the national Dutch Enforcement Strategy ('Landelijke Handhavingsstrategie Omgevingsrecht (LHSO)'). The following types of interventions are distinguished, in typical situations steps can be skipped:

- Step 1: Prevention & Dialogue
- Step 2: Correction
- Step 3: Sanctioning

Below overview shows the intervention steps applied by ACNL:



Below overview shows the intervention steps by CAA-NL:

- Alert
- Official warning
- Administrative hearing
- Administrative Sanctions

When slot management by the airline fails, leading to repetitive slot-misuse, an intervention usually starts with a written warning followed by a dialogue phase with the airline/operator. Depending on the score in the LHSO matrix a more severe intervention could also be applied.

The intervention matrix forms part of LHSO National Enforcement Strategy for Environmental Law. Using this matrix the CAA-NL can determine the most appropriate intervention required for each individual violation which brings about the most social impact.

2.3.2 Sanctions

ACNL, based on EU Regulation 95/93 Article 14 (4) and WASG 9.4.4.2, and CAA-NL, based on EU Regulation 95/93 Article 14 (5), could apply the following instruments:

- ACNL:
  - referral of the matter to CCN
  - loss of historic precedence for series of slots involved in the next equivalent season
  - lower priority for new slot request in next equivalent seasons, or
  - withdrawal of slots of the series of slots involved for the remaining portion of the current season

- CAA-NL:
  - imposing an order subject to a penalty for non-compliance, or
  - administrative fine

The sanction measures can differ depending on the nature, the timeframe, absolute scale and prejudice caused by the misuse and the degree of cooperation.

All sanctions ACNL or CAA-NL may impose are applicable to each type of misuse enforced by ACNL or CAA-NL.

2.3.3. Prejudice to the airport or air traffic operations

For all types of slot misuse under Besluit slotallocatie (Slot Allocation Decree) causing prejudice towards the airport or air traffic operations *can* be considered. For the slot misuse type 'different way ops' an intervention may only start should off-slot operations caused prejudice towards airport or air traffic operations.

2.3.4 Difference between Justification for Non-Use of Slots (JNUS) and justification for slot misuse

Article 10(4) of EU Regulation 95/93, regarding the Justification for Non-Use of Slots (JNUS), only applies to the 'Use It or Lose It' (UIOLI)-calculation for series of slots, which is exclusively conducted by ACNL as slot coordinator

For assessing a justification for slot misuse under Article 14 (5) of EU Regulation 95/93, conducted by CAA-NL, separate provisions apply. A guidance is available at the Slot Enforcement website of CAA-NL.

2.3.5 Difference between Article 14(4) of EU Regulation 95/93 and Article 7 of Besluit slotallocatie (Slot Allocation Decree) (which is based on Article 14(5) of EU Regulation 95/93).

Both articles are about off-slot operations. For your information the differences are described below.

Article 14(4) EU Regulation 95/93	**Article 7 Besluit slotallocatie (Slot Allocation Decree)** (based on Article 14(5) of EU Regulation 95/93).
"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…".	"Het is luchtvaartmaatschappijen verboden op een gecoördineerde luchthaven: a. herhaaldelijk en opzettelijk luchtdiensten uit te voeren op tijden die wezenlijk verschillen van het toegewezen slot;…"
Monitoring and enforcement by coordinator	Monitoring and enforcement by CAA-NL
Counts for series of slots of the air carrier.	Counts for individual slots of the air carrier.
Per season	Can be across seasons
Repeatedly as defined by ACNL in working procedure	Repeatedly as defined by CAA-NL in policy rule (more than once during same IATA-season)
Intentionally as defined in table 2.2.	Intentionally as defined in table 2.2.
Significantly different from the allocated slot relates more to the size of the difference. Further defined by ACNL in working procedure with the applicable tolerances for the different airports.	"Wezenlijk verschillen" relates more to the nature of the difference. Example: operating in the night curfew period without a slot for that period. Further defined by ILT in policy rule.
Consequences: for options of sanctions, see table paragraph 2.2. and 2.3.2	Consequences: for options of sanctions, see paragraph 2.2 and 2.3.2

CHAPTER 3 – ROLES & TASKS

3.1 Roles of each stakeholder

The basis for the role descriptions below are the EU Regulation 95/93 and the WASG paragraph 9.1, complemented with some specific roles for The Netherlands as published in 'Besluit slotallocatie' (Slot Allocation Decree), article 7.

In this chapter, the following definitions apply:

- Slotholder: airline or other aircraft operator that originally got allocated the respective slot from the coordinator
- Operating airline: airline or other aircraft operator that operates the respective aircraft to use the respective slot

In terms of enforcement, the difference between ACNL as coordinator and CAA-NL as inspectorate is that enforcement measures of ACNL impact the slot portfolio of a slotholder, while the ILT is authorized to either impose an administrative sanction or an order subject to a penalty for non-compliance. For this reason, a separate dialogue between an airline or other aircraft operator and the coordinator or inspectorate might arise in light of possible sanctioning measures.

a) *Role of the Airline (slotholder and/or operating) or Other Aircraft Operator*

- Ensure operations are in strict accordance with the slots allocated conform EU Regulation 95/93 and 'Besluit slotallocatie' (Slot Allocation Decree), article 7
- Ensure that its slot portfolio including outstanding waitlist requests is up-to-date at all times
- Review their own performance and identify corrective actions where necessary, prior to interventions from the coordinator or inspectorate (for airline: slotholder)
- Respond in a timely manner to (pre and post-ops) notifications of the coordinator (for airline: slotholder) and, if appropriate, take corrective action as soon as is practicable
- Respond in a timely manner to compulsory information requests from the inspectorate (for airline: operating) and the coordinator (for airline: slotholder)
- Upon request, engage in a dialogue with the coordinator (for airline: slotholder) and/or the inspectorate (for airline: operating) about (seasonal) slot performance and possible slot misuse
- Upon request, deliver slot performance improvement plans to the coordinator (for airline: slotholder) and/or the inspectorate (for airline: operating)

b) *Role of the Airport Managing Body*

- Provide, in a timely manner, all the information and data necessary for the coordinator to perform required slot monitoring duties
- Monitor the overall performance of the airport and highlight any potential misuse of slots to the coordinator
- Advise slot coordinator, based on an analysis of airport operations, about tolerances and focus for slot monitoring.

c) *Role of the Coordinator (Airport Coordination Netherlands - ACNL)*:

- Perform slot monitoring
- Informing the CAA-NL on possible slot-misuse
- Communicate apparent misuse of slots to airlines (slotholder) and other aircraft operators, except for the types 'Ops without slot', 'Slot not cancelled' and within the type 'Unplanned restricted time ops' unplanned night movements (Operating a flight as part of a series at a significantly different time from the allocated slot leading to unplanned night movements can be monitored and sanctioned by the coordinator).
- Record misuse of slots
- Share relevant information with the airport managing body, as well as with all other stakeholders (ideally through the coordination committee and/or its sub-committee Slot Performance Committee)
- Engage in a dialogue with the airlines (slotholder) or other aircraft operators about slot performance results and potential slot misuse
- Assess slot performance improvement plans of the airlines (slotholder) and other aircraft operators
- Perform enforcement actions and sanctions.

d) *Role of the Coordination Committee*:

- To make proposals concerning or advise the coordinator (ideally through the Slot Performance Committee) on matters related to the monitoring and misuse of slots;
- Mediate in case of complaints from airlines or other aircraft operators related to slot allocation or slot monitoring which cannot be resolved between the airline or other aircraft operator and the coordinator
- Oversee the activities of the sub-committees of the Coordination Committee, such as a Slot Performance Committee, where these exist;

e) Role of the Slot Performance Committee (SPC):

- The Slot Performance Committee's objective is to advise the coordinator on any slot monitoring issues, with the objective of improving punctuality and reducing slot misuse. The SPC shall also guarantee a fair judgment of potential slot misuse
- The principal tasks of the SPC 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

f) Role of the Dutch Civil Aviation Authority (CAA-NL)

- Supervise and sanction violations of slot misuse only for or the types mentioned in 'Besluit slotallocatie' (Slot Allocation Decree) by operating airlines or other aircraft operators
- Send reports of the investigations to the operating airlines or other aircraft operators
- Engage in a dialogue with the operating airlines or other aircraft operators about (seasonal) slot results and possible slot misuse
- Assess slot performance improvement plans of the operating airlines and other aircraft operators
- Conduct hearings and administrative interviews.
- Perform enforcement actions and sanctions. CAA-NL can impose an order subject to a penalty for non-compliance and/or administrative fines.
- Assess grounds for justification for the violation requests for slot misuse violations [Algemen wet bestuursrecht Art. 5:5]

3.2 Exchange of information and cooperation between ACNL and CAA-NL

For the purpose of effective monitoring and enforcement, it is necessary to exchange information and/or data between ACNL and CAA-NL and further relevant parties such as, but not limited to, the coordinated airport and Air Traffic Control.

Legal obligation

EU Regulation 95/93 requires Member States to ensure that effective, proportionate and dissuasive sanctions or equivalent measures are available to deal with repeated and intentional slot misuse. In the Netherlands, ACNL and CAA-NL are each involved in different stages of the slot monitoring and for enforcement process of different types of slot misuse.

In accordance with the Algemene wet bestuursrecht (General Administrative Law Act) an inspector of the CAA-NL is authorized by law to monitor compliance with the law and is also empowered to demand information and to inspect business information and documents. Furthermore, it is prescribed that any person shall give an inspector all such assistance as he may reasonably demand in the exercise of his powers. Non-cooperation can be sanctioned by law. Any party (such as air carrier or other aircraft operator, ACNL and the coordinated airport) is therefore obligated by law to provide information

regarding the possible misuse of slots and provide information and documents to CAA-NL.

Slot monitoring by ACNL

Slot monitoring is the role of the independent coordinator and should be performed in a neutral, non-discriminatory and transparent way, in consultation with all stakeholders. ACNL complies with European and Dutch legislation to monitor the use and adherence of allocated airport slots at all Dutch slot coordinated airports.

What information and when

- The structural information exchanged between ACNL and CAA-NL pertains data about the allocated slots and the use of the operated allocated slots at the coordinated airport.
- Files are integrally and structurally shared between ACNL and CAA-NL. This can be on request or on own initiative.
- In some cases, for legal reasons, airlines or other aircraft operators might be contacted by both organizations.
- All other necessary information can be exchanged if needed and by other parties, e.g. flight plans.

ANNEX I – FREQUENTLY ASKED QUESTIONS

1. The operated flight varies in operating time due to seasonal weather changes in wind or periods with or without de-icing. Can I always rely on justification?

No, only in case where you could not retime your series of slot(s) or obtain appropriate slot(s). Also, if structural measures can be taken to avoid the slot infringement, the airline is required to do so. If the block times at both ends of the route can be adjusted so the slot violation can be avoided, the airline is required to take appropriate measures. Slot violations, caused by leaving before schedule are seen as avoidable, so no justification is possible.

2. Can I get an administrative fine for my first slot misuse violation in the Netherlands or do I always get a warning first?

Please see the intervention scheme of ACNL and CAA-NL at paragraph 2.3.1. For consideration and definitions of repeatedly and intentionally, please see paragraph 2.2.

3. Can one slot misuse violation already affect my slot portfolio?

It may depend on factors such as, but not limited to, type of misuse, repetitiveness and combination with other types of misuse. The overview in paragraph 2.2. includes the interventions per type of misuse and the definitions of repeatedly

4. Are airlines heard for redress before an administrative fine is imposed?

Yes, in cases where a justification is possible the inspector of the CAA-NL shall actively point the airline to its right to apply for justification. If justification can be granted the violation is justified and no fine shall follow. If the violation is not allegeable for justification and the inspector reports a fine to the "fine agency" (Bureau Bestuurlijke Boete), the CAA-NL shall give the airline the opportunity for redress before imposing the fine. The Fine report is sent to the airline to ask for redress before the actual fine is imposed.

5. Can enforcement by ACNL and CAA-NL lead to double enforcement?

This might happen in case a violation is related to more than one type of misuse. For each type of misuse the respective violation will be enforced. It is also possible to combine an (punitive) administrative fine for violations which already took place with an (preventive) order subject to a penalty for non-compliance.

6. How is the role and the task of ACNL different then CAA-NL and vice versa?

The roles of ACNL and CAA-NL are extensively explained in paragraph 3.1 of this Slot Enforcement Code. In addition, in the overview in paragraph 2.2 is for each type of misuse explained which intervention is done by ACNL or CAA-NL. CAA-NL does not enforce the "use it or lose it rule".

7. How is slot monitoring conducted?

ACNL: all details can be found in the section Slot Monitoring at www.slotcoordination.nl
CAA-NL: all details can be found in the section Aviation – Slot Misuse Enforcement at https://english.ilent.nl