

Statement of ACNL regarding the interpretation of the capacity declaration for AMS S18

Process

As indicated in its letter of 29 September 2017 ACNL has further studied a number of elements of the capacity declaration and discussed these with the European Commission. ACNL met with the European Commission that sent ACNL a letter (27 October 2017) outlining the Commission's viewpoints in relation to the issues that were discussed.

It was confirmed that it follows from Article 4 of Council Regulation (EEC) No 93/95 (the Regulation) that a capacity declaration must provide clear guidance to the slot coordinator, as requiring the slot coordinator to interpret it could undermine its neutrality.

ACNL also received a letter from Schiphol dated 06 October 2017 providing more clarification on questions raised by ACNL in its letter of 11 September 2017.

Building on aforementioned viewpoints, ACNL has come to a considered and final interpretation of the capacity declaration AMS S18.

Interpretation

Unambiguous elements

As indicated in its letter of 29 September 2017 ACNL applied the planning limits of 313,740 slots and 23,219 night slots and the nominal operational runway capacity as coordination parameters. These elements remain in force as coordination parameters.

Other elements

i. Number of movements

According to Schiphol's explanation of 6 October 2017, "the coordinator should solely focus on the planning limits as specified in the capacity declaration, not the number of movements". This reading (i.e. the slot coordinator is responsible for the allocation of slots) is confirmed by the Commission.

ii. Slots versus target

Schiphol suggests that 22,000 is the maximum number of night movements that may result from the planning limit of 23,219 slots. The coordinator is not expected to take this maximum or target number of 22,000 night movements into consideration. Moreover, contrary to paragraph 2 under 'Additional requirements and conditions' of the capacity declaration S18, which states that "a target ... should be taken into account for the allocation of night slots", Schiphol now confirms that the target of 32,000 actual movements "is not to be taken into account by ACNL specifically".

ACNL has two remarks in this respect:

- a. The 23,219 night slots are all eligible for historic precedence. When these series of night slots are operated for at least 80%, the airline concerned is *entitled* to that same series of slots in the next equivalent season (if requested). Hence, all these night slots resulting into actual night movements cannot be prevented by the coordinator.
- b. The total number of night movements as mentioned in the capacity declarations of W17 and S18 count up to 33,954 night movements (10,735 + 23,219) which exceeds the maximum of 32,000.

iii. Yielding

A yielding mechanism is not mentioned nor described in the capacity declaration. According to a draft proposal for a working procedure for a yielding process shared by Schiphol with ACNL on 6 October 2017, the purpose of a yielding mechanism is to maximize the utilization of the annual environmental capacity in terms of movements. Said purpose warrants a local rule, as was also suggested by the Commission.

iv. Transfer of unused slots

In the capacity declaration, transfer of slots is raised as a possibility: in case the actual number of movements in IATA winter season 2017 (W17) is less than 185,000, Schiphol will decide in the third week of February 2018 whether, the manner in which and to what extent the unused capacity will be added to the planning limit for S18.

This effectively means that until the end of February 2018, it is uncertain what will happen with possible additional capacity. According to the Commission, it follows from the Regulation that the capacity declaration shall be made in advance of the scheduling season, which excludes the possibility of tweaking the capacity declaration at a later stage or during the season.
