

Requirements on slot transfer between parent and subsidiary companies and between subsidiaries of the same parent company

Disciplines: Slot Allocation, Slot Monitoring
Airports: all coordinated airports in The Netherlands
Seasons: effective until further notice
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1. Purpose

This guidance explains how ACNL looks at a transfer of slots between parent and subsidiary companies and between subsidiaries of the same company and clarifies the obligations of airlines when considering a transfer of slots.

2. References

- EC Council Regulation 95/93, as amended, article 8 sub 1 (b),
- IATA WSG, article 8.12

Procedures of transfer of slots

2.1 A notification of the transfer is required prior to the beginning of such operation from both parties involved including all details of the transfer. A notification can be submitted after the slots have been allocated to the airline in the Slot Allocation List. It is the responsibility of the airlines to send the request in time, this means that airlines have to send the notification as soon as possible and no later than one week before the first day the transfer has to be effective. Exception: in situations described in 2.4 it is possible to send in the notification until three business days before the first day the transfer has to be effective.

Late delivery of documents, may lead to the situation –esp. if more information is needed, see 2.2- that ACNL cannot decide on the confirmation in time. The transfer is not allowed in that case.

2.2 Airlines have to use form “ Form transfer” to send in the notification. ACNL will respond as soon as possible and ultimately within three working days. In case ACNL has to request for more information (as the notification does not meet the requirements) the term is suspended.

2.3 ACNL considers a company to be a parent company if it can exercise decisive influence on the subsidiary company. This is typically the case if it has a majority of voting rights. Airlines have to explain to ACNL the structure and send documents in which the exact ownership structure

of the airlines involved is defined. If the documents are not written in English or Dutch, a translation by a sworn translator is necessary. Airlines have to indicate where the necessary information can be found in the documents. Company information on the airline's website may provide sufficient information if it is specific enough. In case airlines refer to information on the website, they have to indicate where the information can be found (send links). ACNL does **not** accept a declaration signed by the airlines without additional documentation to be the basis for a transfer.

2.4 Only in the situation that airlines already sent in documents about their relation for an earlier slot transfer request **and** the ownership structure **has not changed at all**, airlines can make use of the possibility in chapter IV of "Form transfer" to refer to documents already sent to ACNL.

2.5 After receipt of ACNL's confirmation, airlines have to send a formal SCR-message, adding in the SI-line: *Ref. 95/93, art 8 sub 1 (b)*

2.6 ACNL does not accept retrospective changes. All changes shall be submitted before operation.

2.7 Miscellaneous:

2.7.1 airlines have to be aware that a transfer means that the slot is transferred to another company so the transferring company does not have historic rights on the slot anymore; ACNL will change the slotholder;

2.7.2 airlines have to be aware that transfers may influence the 80/20 calculation;

2.7.3 it is not possible to request for transfer after force majeure has been granted;

2.7.4 slots allocated to new entrants may not be transferred for a period of two equivalent scheduling periods (art. 8 bis 3 (a)) Slot regulation).

3. Final provisions

3.1. Council Regulation (EC) No 95/93, as amended, and the IATA Worldwide Slot Guidelines (WSG), latest and current edition, form the basis of the slot allocation process and this guidance. In case of any conflict between Council Regulation, WSG and this guidance, the Council Regulation will prevail.

3.2. ACNL may review and amend this guidance when deemed necessary and apply additional criteria to slot transfers.

4. Revision log

Version	Date	Changes w.r.t to previous version
V1.0	6 May 2020	First publication