# Policy Rule

# Additional Allocation Criteria

Airport Coordination Netherlands (ACNL) is an independent governing body by public law. In the Dutch "Wet Luchtvaart" (Law on Aviation) designated as the coordinator for slot coordinated airports in the Netherlands. ACNL is responsible for slot allocation and slot monitoring at Amsterdam Airport Schiphol (AMS), Rotterdam The Hague Airport (RTM) and Eindhoven Airport (EIN). In order to make optimal use of the airport capacity our mission is to deliver slot coordination and monitoring services in a neutral, non-discriminatory and transparent way.

ACNL is publishing following policy rule according to article 1:3 (4) in conjunction with article 4:81 of the Dutch "Algemene wet bestuursrecht" (General Administrative Law Act). The abbreviation in Dutch is 'Awb'.

# Content

# Introduction

1. In June 2020, the first edition of the Worldwide Airport Slot Guidelines (WASG) was released[1] as a replacement for the 10th edition of the Worldwide Slot Guidelines (WSG)[2]. One of the changes concerns article 8.4.1.

   > WSG
   > *When slots cannot be allocated using the primary criteria as set out in 8.3 above, consideration should be given to the following factors (in no particular order):*
   > ….
   > WASG
   > *When slots cannot be allocated using the primary criteria as set out in 8.3 above, coordinators should not simply allocate the remaining slots pro-rata among all requesting airlines. Instead, consideration should be given to the following factors (in no particular order) to determine which of the competing requests should be allocated a slot:*

2. Until now, after applying the primary criteria[3], ACNL allocates new slots from the slotpool pro rata. As part of the implementation of the WASG, ACNL wants to apply additional criteria.

# Relevant legislation and Guidelines

3. Article 8.4.1. of the WASG includes as additional allocation criteria:
   a) *Effective Period of Operation: Whether an airline's schedule that will be effective for a longer period of operation in the same season than other competing requests.*
   b) *Operational Factors: When operational factors (such as curfew) at one airport creates a slot problem elsewhere, thereby constraining an airline's schedule.*
   c) *Time Spent on Waitlist: Whether an airline's request has been pending on the waitlist longer than competing requests.*
   d) *Type of Consumer Service and Market: The balance of the different types of services (scheduled, charter, and cargo) and markets (domestic, regional, and long haul, and leisure or business) should be considered.*
   e) *Connectivity: Coordinators should try to ensure that due account is taken of the development of the specific airport route network and connectivity to meet the needs of passengers and shippers.*
   f) *Competition: Coordinators should try to ensure that due account is taken of competitive factors in the allocation of available slots. These factors could include the addition and development of a new route or competition on an existing route.*
   g) *Environment: Coordinators should try to ensure that due account is taken of environmental factors in the allocation of available slots.*
   h) *Local Guidelines: The coordinator must take local guidelines into account should they exist. Such guidelines should be approved by the Coordination Committee or its equivalent.*

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[1] By Airports Council International, the International Air Transport Association (IATA) and the Worldwide Airport Coordinators Group
[2] By International Air Transport Association
[3] The primary criteria are included in Articles 8 and 10 of the Slot Regulation.

4. ACNL is solely responsible for slot allocation and should do so in accordance with the provisions of the Slot Regulation[4], including taking into account the WSG / WASG[5] and local guidelines, provided that such rules and guidelines do not affect the independent status of the coordinator, comply with Community law and aim at improving the efficient use of airport capacity.

5. If a local guideline is in force for an airport and the conditions in point 4 are met, ACNL at first will apply this local guideline before applying the remaining additional criteria. This sequence originates from the formulation of additional criterion h): " *The coordinator <u>must</u> take local guidelines into account should they exist*".  Incidentally, ACNL will apply a traffic distribution rule before applying local rules and additional allocation criteria, if a traffic distribution rule is in force for the airport concerned.

## Considerations about the policy for Additional Allocation Criteria

6. ACNL bases the elaboration of the additional allocation criteria on the aviation policy of the Netherlands, as included in the Aviation Policy Document 2020-2050[6].
   Four public interests are central to the Aviation Policy Document 2020-2050:
   1. The Netherlands safely in the air and on the ground.
   2. Connecting the Netherlands properly.
   3. Attractive and healthy living environment.
   4. The Netherlands sustainable.
   Safety isn't included in the additional criteria.  ACNL will use the other three public interests.

7. The following roles for the airports have been included in aviation policy.

   *Category 1: Schiphol (AMS)[7]*
   Schiphol is a hub airport with 24-hour opening. This ensures the international accessibility of the Netherlands. This is where the core of the intercontinental and European connections network of the Netherlands is supplied, both in terms of freight and passengers.

   *Category 2: Other civil airports for commercial traffic (this includes Rotterdam The Hague Airport (RTM) and Eindhoven Airport (EIN))*
   This concerns civil airports of national importance that have the facilities to accommodate commercial traffic, such as runway length and air traffic control. These airports primarily play a role in strengthening the regional economy, but from a national perspective they can also support Schiphol and / or the connections network in the Netherlands.

8. When applying the additional criteria, ACNL focuses on strengthening the role of the different airports as described in the aviation policy.  That means for AMS strengthening the intercontinental and European connections network[8] and for RTM and EIN providing connections to the benefit of the regional economy.

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[4] Article 4.5 of the Slot Regulation.
[5] Article  8.5 of the Slot Regulation.
[6] www.rijksoverheid.nl/documenten/kamerstukken/2020/11/20/definitieve-luchtvaartnota
[7] In the Aviation Policy Document Lelystad Airport (LEY) is included in level 1 with a role to make room for the mainport related traffic at Schiphol.  Once LEY is designated as coordinated airport, it will included in this policy rule.
[8] Also for AMS defined in the Dutch Aviation Act, article 8.3: "   promoting optimal use of the airport as a high-quality air traffic interchange with a high network quality, taking into account the limits set in view of safety, noise pollution, local air pollution and odour pollution".

The above means that the provision of connections is central and that the nature of the connections can differ per airport in line with the difference in roles.

In general, the conversion to the additional criteria as mentioned in the WASG is as follows.

| Additional criterium of WASG | Order | Explanation |
|---|---|---|
| Connectivity | 1 | Main focus is connectivity for AMS, RTM and EIN with a possibility to differentiate in connections. |
| Effective period of operation | 2 | Determines the quality of the connections to a considerable extent. |
| Environment | 3 | According to the Aviation Policy Document, growth should be earned through, among other things, lower noise emissions.  Ranks third because alternative policy instruments are available to support this. |
| Operational factors, time spent on waitlist, type of consumer service and market, competition. | - | These criteria are not directly aimed at the aviation policy and will not be applied by ACNL. |
| Local rules | 0 | ACNL will apply a local guideline before applying the remaining additional criteria. |

*Elaboration of the additional criteria for AMS, EIN and RTM*

9.  The application takes place in four steps.
    i.  Step 1. Nature of the destination
        ACNL uses a list of destinations that are strengthening the role of the airports as described in the Dutch Aviation Policy.  Requests for destinations on this list receive priority.
        ACNL requests the airport managing body to provide ACNL timely such a list enabling ACNL to publish the list no later than 8 weeks before Initial Submission Deadline.
        This list must be drawn up in accordance with the principles of slot coordination as included in article 3.2 of the Slot Regulation (transparency (amongst others how the strengthening of the airport is determined) , neutrality and non-discrimination).
        Should in the judgement of ACNL these principles are not met, ACNL can decide to adjust or not to use the list.  After approval by ACNL, step 1 will be applied.  If no list is provided or the list is disapproved, ACNL will skip step 1.
        The number of slots for which this priority is applied is limited to on average 28 slots for passenger flights per week per destination for the airport (''two daily flights'').
        Full freight flights are not counted for this limitation and can receive priority in step 1.  A destination is an airport.  The IATA code[9] is decisive.

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[9] It is possible to compile the list of destinations with IATA metropolitan codes, if a list of corresponding IATA airport codes is provided to ACNL.

ii. Step 2 Connectivity
Yes / no new destination (in terms of an IATA airport code) with a direct flight[10] for the airport.
In the case competing requests still exist after step 1, the requests are given priority with which a new destination is served with a direct flight compared to the Slot Historic List (SHL) for the Slot Allocation List (SAL) and compared to SAL for allocations after SAL.  The number of slots for which this priority is applied is limited to on average 28 slots for passenger flights per week per destination for the airport (''two daily flights'').  Full freight flights are not counted for this limitation and can receive priority in step 1.

iii. Step 3. Effective period of operation: the increase in frequency per request
In the case competing requests still exist after step 2, the request with the highest number of slots for the relevant season will be given priority. If a request consists of several destinations, it will be divided per destination and step 3 will be applied per destination.  In case of a joint operation, if requested in advance and confirmed by ACNL, the requested slots are considered added together.  If a destination is already connected with the airport with 4 daily flights in the SHL for SAL or SAL for afterwards (on average 56 slots per week), priority based on step 3 will not apply for any request to these destinations.

iv. Step 4. Environment
If requests still compete with each other after application of the primary criteria and step 1, 2 and 3, the request with aircraft in the category with the relatively lowest noise emissions has priority.  ACNL will publish on her website a categorization of aircraft related to noise emissions.

10. Requests for destinations which are part of the catchment areas of the cities included in the Action plan Air/Rail[11] can't receive priority in step 1, 2, and 3.  The following airports are included in the catchment areas according to this plan: LHR, STN, LCY, LGW, LTN, ORY, CDG, BVA, BRU, BER, DUS, CGN, FRA and AMS.

*Pro rata*

11. If steps 1, 2, 3 and 4 do not provide a definite outcome about the priority, the slots that are still available after Initial Submission or SAL will be distributed pro rata among the competing applicants, in accordance with the current method.  This pro rata division takes place in rounds, whereby in each round the applicants receive the number of slots from the smallest (remaining) applicant, with the exception of the last round where the remaining slots are divided equally among the applicants.

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[10] Whether or not with an intermediate stop
[11] https://www.rijksoverheid.nl/documenten/kamerstukken/2020/11/20/duurzaam-internationaal-reizen-per-spoor-en-vliegtuig

12. If an air carrier is given priority on the basis of the application and the information provided therewith, it must operate in accordance with the application in the relevant season. ACNL monitors this[12].

13. If an air carrier repeatedly change the parameters on which it has received priority in the following comparable season, ACNL will consider potential misuse.

*When are slots from the waiting list released from the slot pool?*

14. If a waiting list[13] is formed at the initial allocation (SAL), its slots are issued after another slot pool has been created. In addition, request for request is issued in accordance with the priority order.

15. It can be issued in phases per request with a minimum of 5 slots, being the minimum of a series, unless the request that is highest on the waiting list concerns less than 5 slots.

16. If a request that is on the waiting list is changed by the air carrier itself during the season, it cannot be placed higher on the waiting list.

## Process

17. This policy rule will be effective as of IATA Northern Summer season 2022.

18. In the Aviation Policy Document 2020-2050[14], the cabinet announced that it would draw up a policy framework for network quality. ACNL will consider in due course whether it is appropriate to adjust the additional allocation rules.

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[12] Article 4.6 Slot Regulation
[13] Both a slotted waiting list (for retime requests) and a non-slotted waiting list.
[14] Luchtvaartnota 2020-2050