

## Monitoring of usage of slots in the night period

### 1. INTRODUCTION

Following its designation as coordinated airport, the allocation of slots at Brussels-National Airport (also "BRU") is subject to the following rules and factual elements:

1. Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community Airports as amended by Regulation (EC) No 793/2004 of the European Parliament and of the Council of 21 April 2004.
2. The article 14bis of the law of 27 June 1937 providing for fines in case of infringement of a Regulation.
3. The Royal Decree of 23 June 2003 designating Brussels Airport as coordinated airport which also stipulates that all regulated priority rules having been applied first – the flight performed with the better noise efficient aircraft shall have next priority.
4. The Ministerial Decree of 26 June 2003 appointing the VZW "Brussels Slot Coordination" as the coordinator of Brussels-National Airport (in 2012 the name changed to Belgium Slot Co-ordination, also "BSC").
5. The Ministerial Decree of 26 June 2003 establishing the coordination Committee at Brussels Airport (i.e., the "feitelijke vereniging Brussels International Airport Slot Coordination Committee).
6. The declared capacity of the airport.
7. The Worldwide Airport Slots Guidelines, art. 9.2.2.(h) "*Where applicable, operating in curfew or another restricted operation period without holding an allocated slot for that period.*"
8. The Worldwide Airport Slots Guidelines, Chapter 9 "*SLOT MONITORING*", art. 9.4.4 "*Enforcement Action*"

In addition to these elements, BRU is subject to specific operating restrictions, such as:

1. The Ministerial Decree of 27 July 2009 here referred to as the "quota decree" imposes restrictions on noise quota allowed for flight operating during the night period (23.00 LT till 5:59 LT runway times) and periods without take-off as follows:  
With exception for "exempted" movements, the coordinator of Brussels-National Airport does not allocate any other take-off in the following period:
  - The night of Friday to Saturday, between 02h00 and 06h00 starting from IATA summer season 2009, and, as from IATA winter season 2009-2010, between 01h00 and 06h00.
  - The night from Saturday to Sunday between 00h00 and 06h00.
  - The night from Sunday to Monday between 00h00 and 06h00.
2. The Ministerial Decree of 6 April 2009 additionally imposes limitations on the number of airport slots that the coordinator is authorized to allocate during the night.
  - The total number of airport slots (departures and arrivals) shall not exceed 16.000 slots per calendar year.
  - The total number of airport slots for departing flights shall not exceed 5.000 slots per calendar year.

Considering that these restrictions affect the capacity of the airport at night and the way in which it is used.

Considering that the airport operator and indeed the entire airport community could suffer severe prejudice if these provisions were not complied with, the slot coordinator is obliged to take special precautions when allocating slots, in order not to exceed the maximum capacity during the night laid down in the environmental permit of Brussels Airport, the abovementioned obligations and specified in the capacity declaration.

While it is imperative to comply with the provisions of the environmental permit and the operating restrictions, the present local guideline defines slots during the night, or “night slots”, as the block times from 22.45 until 05.40 LT for departures and from 23.10 until 06.05 LT for arrivals, considering the average taxi times.

## 2. Principles

In compliance with the general principles of neutrality, non-discrimination and transparency this local guideline has the following objectives:

- Operators must hold a valid airport slot to operate at Brussels-National Airport.
- To operate flights at night, the airport slot must be coordinated as a “night slot”.
- Operating a flight at night without valid night slot is regarded as a misuse of the slot rules at Brussels-National Airport.

This local guideline details the system of sanctions to be applied in the event of night infringements.

## 3. IMPLICATIONS AND ENFORCEMENT

Separate from criminal charges and/or administrative fines under the law of 27 June 1937, the above principles require the use of two parallel mechanisms by the coordinator to influence the allocation of night slots:

BSC carries out weekly reports to monitor the use of airport slots allocated to air carriers .

Flights that have operated during the night without having obtained a night slot, are deducted from the calculation of historical rights for the following equivalent season (80/20 rule).

In case of repeated and intentional infringements of night-time slots, the coordinator may take the following measures:

- 1) The coordinator shall contact the air carrier to inform it of the infringements observed. When the coordinator notifies the airline or the aircraft operator of potential misuse, the airline or the aircraft operator must respond in a timely manner and, if appropriate, take corrective action as soon as is practicable.
- 2) The coordinator shall assess with the air carrier and any other interested party useful for the resolution of the problem, which measures should be taken to avoid a repetition of these infringements.

- 3) If the airline-coordinator dialogue process is unsuccessful, enforcement action shall be considered for intentional or repeated slot misuse.

When deciding whether to pursue any enforcement action, the coordinator should consider whether the slot misuse was:

- a) following a warning issued as part of the pre-operation analysis process,
- b) a first occurrence or part of a pattern of misuse,
- c) part of a series of slots or an ad hoc operation, or
- d) likely to impact Brussels-National Airport (and its obligations) and/or ATC operations, or other airlines.

In case of regular repetition of night slot infringements for a series of slots or for a same service operated by the air carrier, the coordinator may take any measure he deems appropriate to put an end to the infringements. These measures may include, but are not limited to, the following list:

- Referral of the matter to the airport's Coordination Committee or other competent body
- Withdrawal of the series of slots involved for the remaining portion of the current season and/or confirmation of new slots for the series(es) of slots affected by the infringement. The coordinator shall confirm these slots according to the available capacity and taking into account the average delay observed in the infringements which led to the withdrawal of slots.
- Loss of historic precedence for the series of slots involved in the next equivalent season, and or withdrawal of the series of slots affected by the infringements observed when these infringements are combined with other infringements (e.g. noise standards, flight planning at a different time from the allocated time slot, operation without slots, ...)
- A lower priority for that airline for new future slot requests in the next equivalent season.

The slot coordinator will systematically communicate his decisions to the various committees (Coordination Committee (BCC), Belgian Civil Aviation Authority and Belgian Slot Compliance Committee (BSCC)). Each decision by the coordinator is taken after hearing the air carrier concerned by the infringements detected.

Due to the many changes that operators or air carriers, either voluntarily or forced by circumstances, make in their actual operations in relation to the allocated slots, it must be understood that the airport slot coordinator may be forced to ask for flexibility from these air carriers, including the withdrawal of previous decisions.

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