

**Opinion of the Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports'**

(COM(2002) 7 final — 2002/0013 (COD))

(2002/C 125/15)

On 30 January 2002 the Council decided to consult the Economic and Social Committee, under Article 80 (2) of the Treaty establishing the European Community, on the above-mentioned proposal.

On 19 February 2002 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the work on the subject.

At its 389th plenary session on 21 March 2002, and in view of the urgency of the matter, the Economic and Social Committee appointed Mr Tosh as rapporteur-general and adopted the following opinion unanimously.

## **1. Background**

1.1. Article 10(3) of Council Regulation (EEC) No 95/93<sup>(1)</sup> establishes that slots which are allocated to an air carrier shall not entitle that air carrier to the same series of slots in the next equivalent period, unless it can demonstrate that they have been operated by that air carrier for at least 80 % of the time during the period for which they have been allocated. If the 80 % usage of the series of slots cannot be demonstrated, all the slots constituting that series shall be placed in the slot pool, unless the non-utilization can be justified as set out on Article 10(5) ('use-it-or-lose-it' rule).

1.2. The terrorist attacks of 11 September 2001 and the political developments that followed those events (Afghanistan crisis) seriously affected the air transport operations of air carriers and resulted in a significant drop in demand during the remainder of the summer 2001 and winter 2001/2002 scheduling season.

1.3. In order to make sure that the non-utilisation of slots allocated for those seasons does not cause operators to lose their entitlement to those slots, it appears necessary to provide clearly and unambiguously that those scheduling seasons were adversely affected by the terrorist attacks of 11 September 2001.

1.4. Accordingly, the Commission proposes to introduce a new Article 10a into the Regulation whereby coordinators are obliged to accept that slots in both seasons (summer 2001 and winter 2001/2002) are granted grandfather status.

1.5. This will avoid lack of uniform application of the provisions of the Regulation in the Community and the different interpretation given to the current crisis in various Member States.

1.6. Finally, the proposal does not affect the Commission's proposal adopted on 20 June 2001 for a modification of the currently applicable Regulation<sup>(2)</sup> insofar as this latter proposal is wider in scope.

## **2. General comments and conclusions**

2.1. The ESC agrees with the Commission proposal insofar as it takes into account exceptional circumstances and gives legal certainty to coordinators.

2.2. In fact, coordinators risked legal challenge unless the question of the 'use-it-or-lose-it' rule was clearly and unambiguously dealt with.

2.3. At the same time the proposal allows planning certainty for carriers.

<sup>(1)</sup> Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14, 22.1.1993, p. 1) — ESC Opinion: OJ C 339, 31.12.1991, p. 41.

<sup>(2)</sup> COM(2001) 335 final, 20.6.2001, 2001/0140 (COD). EESC Opinion in preparation.

2.4. Finally, the ESC notes that the current proposal does not affect the proposal adopted on 20 June 2001. It has a wider scope, aims at ensuring that scarce capacity of slots at congested

airports is managed and used efficiently, albeit without modifying fundamentally the current system of slot allocation built around the so-called 'grandfather' or 'historical slots'.

Brussels, 21 March 2002.

*The President  
of the Economic and Social Committee*  
Göke FRERICHs

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**Opinion of the Economic and Social Committee on the 'Proposal for a Decision of the European Parliament and of the Council amending Decision No 1692/96/EC on Community guidelines for the development of a trans-European transport network'**

(COM(2001) 544 final — 2001/0229 (COD))

(2002/C 125/16)

On 14 November 2001, the Council decided to consult the European Economic and Social Committee, under Article 156 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 26 February 2002. The rapporteur was Mr Kleemann.

At its 389th plenary session held on 20 and 21 March 2002 (meeting of 21 March) the European Economic and Social Committee adopted the following opinion by 54 votes to 0, with 5 abstentions.

## **1. Introduction**

1.1. In its proposal the Commission is seeking to tighten up and modify the priorities of the trans-European network with a view to optimising network capacity by concentrating investments in areas with existing bottlenecks. Three projects have already been completed and the importance of certain rail and trans-alpine projects confirmed. Six new projects and new sections to two existing projects have been added.

1.2. The ESC has been involved in each development phase of the TEN and has from the outset fully supported the TEN blueprint and advocated clear criteria and appropriate encouragement.

## **2. General comments**

2.1. The Gothenburg European Council referred to the need to shift transport from road to rail, water and public passenger

transport. The Commission proposal now on the table responds to this Council mandate.

2.2. Many factors are responsible for the rise in EU traffic levels, but the growth in car traffic — both work-related and private — plays a major part in the use of transport systems. On the one hand, traffic levels have risen considerably because of the need to commute between home and work, changes in consumer behaviour and the disproportionate growth in leisure travel. On the other hand, traffic density has increased greatly in recent years, with heavy lorries in many regions and conurbations. However, the globalisation of the economy, the increased functioning of the internal market, changes in production methods and the logistics associated with this contribute, among other things, to changes in the structure of the economy and inevitably generate increased traffic across all transport modes. With the accession of the applicant countries this will increasingly affect cross-border routes which, according to the Commission, are also currently the weakest points.