



Part 605

Allocation of Slots at Egyptian Airports

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REGULATIONS(605)
On Common rules
for the Allocation of Slots at Egyptian airports

Subpart (A)

605.1 : General

- Whereas there is a growing imbalance between the expansion of the Air Transport system in A.R.E and the availability of adequate airport infrastructure to meet that demand; whereas there is, as a result, an increasing number of congested airports in the state.
- Whereas the allocation of slots at congested airports should be based on Neutral, transparent and non-discriminatory rules;
- Whereas the requirement of neutrality is best guaranteed when the Decision to coordinate an airport is taken by E.C.A.A for that; AIRPORT ON the basis of objective criteria
- Whereas under certain conditions, in order to facilitate operations, it is Desirable that the state should be able to designate an airport as Coordinated provided that principles of transparency, neutrality and nondiscrimination are met;
- Whereas ECAA is the responsible for the coordinated airport should ensure the appointment of a coordinator whose neutrality should be unquestioned;
- Whereas transparency of information is an essential element for ensuring an objective procedure for slot allocation;
- Whereas the principles governing the existing system of slot allocation could be the basis of this Regulation provided that this system evolves in harmony with the evolution of new transport developments in the A.R.E;
- Whereas it is state policy to facilitate competition and to Encourage entrance into the market, as provided for in national laws and Regulation on access for air carriers to intra air routes and where as these objectives require strong support for carriers who intend to startoperations on intra routes;
- Whereas the existing system makes provision for grandfather rights;
- Whereas there should also be provisions to allow new entrants into market;
- Whereas it is necessary to make special provisions, under limited circumstances, for the maintenance of adequate domestic air services.
- Whereas it is also necessary to avoid situations where, owing to a lack of available slots, the benefits of liberalization are unevenly spread and competition is distorted;
- Whereas it is desirable to make the best use of the existing slots in order to meet the objectives set out above;
- Whereas this Regulation should be reviewed after a fixed period of operation to assess its functioning,

ECAA has issued this part of regulations.

605-3 : Scope

This Regulation shall apply to certain coordinated airports.

605-5:Definitions

For the purpose of this Regulation

"Slot" : shall mean the permission given by a coordinator in accordance with this Regulation to use the full range of airport infrastructure necessary to operate an air service at a coordinated airport on a specific date and time for the purpose of landing or Take-off as allocated by a coordinator in accordance with this regulation;

"New Entrant": shall mean:

- (i) An air carrier requesting, as part of a series of slots, a slot at an airport on any day, where, if the carrier's request were accepted, it would in total hold fewer than five slots at that airport on that day, or
- (ii)An air carrier holding more than 5 % of the total slots available on the day in question at a particular airport, or more than 4 % of the total slots available on the day in question in an airport system of which that airport forms part, shall not be considered as a new entrant at that airport;

"Direct Air Service": shall mean a service between two airports including stopovers with the same aircraft and same flight number.

"Scheduling Period": shall mean either the summer or winter season as used in the schedules of air carriers.

"Air Carrier": shall mean;

...An air carrier with a valid operating license issued by concerned authority.

...an air transport undertaking holding valid operating license or equivalent at the latest on 31 January for the following summer season or on 31 August for the following winter season. for the purpose of articles (605-9,605-17,605-19) the definition of air carrier shall also include business aviation operation, when they operate according to a schedule , for the purpose of part 605-15the definition of air carrier shall also include all civil aircraft operation ;

"group of air carriers" : shall mean two or more air carriers which together perform joint operations, franchise operations or code sharing for the purpose of operating a specific air service;

"Coordinated Airport": shall mean any airport where, in order to land or take off, it is necessary for an air carrier or any other aircraft operator to have been allocated a slot by a coordinator, with the exception of State flights, emergency landings and humanitarian flights;

"Airport System": shall mean two or more airports grouped together and serving the same city or conurbation.

"Schedules Facilitated Airport": shall mean an airport where there is potential for congestion at some periods of the day, week or year which is amenable to resolution by voluntary cooperation between air carriers and where a schedules facilitator has been appointed to facilitate the operations of air carriers operating services or intending to operate services at that airport;

"Managing body of an airport": shall mean the body which, in Conjunction with other activities or otherwise, has the task under national laws or regulations of administering

and managing the airport facilities and coordinating and controlling the activities of the various operators present at the airport or within the airport system concerned;

"Series of Slots": shall mean at least five slots having been requested for the same time on the same day of the week regularly in the same scheduling period and allocated in that way or, if that is not possible, allocated at approximately the same time;

"Business Aviation": shall mean that sector of general aviation which concerns the operation or use of aircraft by companies for the carriage of passengers or goods as an aid to the conduct of their business, where the aircraft are flown for purposes generally considered not for public hire and are piloted by individuals having, at a minimum, a valid commercial pilot license with an instrument rating;

"Coordination Parameters": shall mean the expression in operational terms of all the capacity available for slot allocation at an airport during each coordination period, reflecting all technical, operational and environmental factors that affect the performance of the airport infrastructure and its different sub-systems.

"E.C.A.A" (Egyptian Civil Aviation Authority): it means the legislative authority which will set up this regulation.

Representative; it means any nominated empowered person who reflects the situation of the concerned party.

Committee: it will be Responsible for making proposals concerning or advise the coordinator on the possibilities for increasing the capacity of the airport and improving its usage.

membership in this committee consists of ECAA (as observer to be sure that the regulation has been applied) and Egyptian holding company for airports and air navigation and other concerned parties according to ministerial decree which will be issued in this regard.

Subpart(B)**605-7: Conditions for Airport Coordination**

- (a) ECAA shall be under no obligation to designate any airport as schedules facilitated or coordinated save in accordance with the provisions of this part.
- (b) ECAA may, however, provide for any airport to be designated as a schedule facilitated airport provided that principles of transparency, neutrality and non-discrimination are met.
- (c) ECAA responsible shall ensure that a thorough capacity analysis is carried out at an airport with no designation status or at a schedules facilitated airport by the managing body of that airport or by any other competent body when that ECAA considers it necessary, or within six months:
 - (1) Following a written request from air carriers representing more than Half of the operations at an airport or from the managing body of the airport when either considers that capacity is insufficient for Actual or planned operations at certain periods; or
 - (2) Upon request from the committee in particular where an airport is in reality accessible only for air carriers that have been allocated Slots or where air carriers and in particular new entrants encounter Serious problems in securing landing and takeoff possibilities at the Airport in question.
- (d) This analysis, (indicated in paragraph c above) based on commonly recognized methods, shall determine any shortfall in capacity, taking into account environmental constraint sat the airport in question. The analysis shall consider the possibilities of overcoming such shortfall through new or modified infrastructure, operational changes, or any other change, and the time frame envisaged to resolve the problems. It shall be updated if paragraph (f) has been invoked, or when there are changes at the airport influencing significantly its capacity and capacity usage. Both the analysis and the method used shall be made available to the parties having requested the analysis and, upon request, to other interested parties. The analysis shall be communicated to the committee at the same time.
- (e) On the basis of the analysis, The ECAA shall consult on the Capacity situation at the airport with the managing body of the airport, the air carriers using the airport regularly, concerned representative, Representatives of general aviation using the airport regularly and air traffic control authorities.
- (f) Where capacity problems occur for at least one scheduling period, the concerned authority shall ensure that the airport is designated as coordinated for the relevant period's only if:
 - (1) The shortfall is of such a serious nature that significant delays cannot be avoided at the airport, and
 - (2) There are no possibilities of resolving these problems in the short-term.
- (g) By way of derogation from paragraph 605-4.3., the concerned authority may, in exceptional circumstances, designate as coordinated the airports affected for the appropriate period.
- (h) When a capacity sufficient to meet actual or planned operations provided at a coordinated airport, its designation as a fully coordinated airport shall be lifted.

Subpart (C)

605-9: The schedules facilitator and the coordinator

- (a) ECAA shall be responsible for a schedule facilitated or Coordinated airport shall ensure the appointment of a qualified natural or legal Person as schedules facilitator or airport coordinator respectively After having consulted the air carriers using the airport regularly, Their representative concerned and the managing body of the airport and the coordination committee, where such a committee exists. The Same schedules facilitator or coordinator may be appointed for more than one airport.
- (b) ECAA shall be responsible for schedule facilitated or coordinated airport shall ensure:
 - (1) That at a schedules facilitated airport, the schedules facilitator act sunder this Regulation in an independent, neutral, no discriminatory and transparent manner;
 - (2) The independence of the coordinator at a coordinated airport by separating the coordinator functionally from any single interested Party. The system of financing the coordinators' activities shall be Such as to guarantee the coordinator's independent status;
 - (3) That the coordinator acts according to this Regulation in a neutral, on-discriminatory and transparent way.
- (c) The Schedules facilitator and the coordinator shall participate in such international scheduling conferences of air carriers as are permitted by concerned authority.
- (d) The schedules facilitator shall advise air carriers and recommend Alternative arrival and/or departure times when congestion is likely to occur.
- (e) The coordinator shall be the sole person responsible for the allocation of slots. He shall allocate the slots in accordance with the Provisions of this Regulation and shall make provision so that, in an Emergency, slots can also be allocated outside office hours.
- (f) The schedules facilitator shall monitor the conformity of air carriers' operations with the schedules recommended to them. The coordinator shall monitor the conformity of air carriers' operations with the slots allocated to them. These conformity checks shall be carried out in cooperation with the managing body of the airport and shall take into account the time and other relevant parameters relating to the airport concerned.
- (g) All schedules facilitators and coordinators shall cooperate to detect Inconsistencies in schedules.
- (h) The coordinator shall on request and within a Reasonable time make available free of charge for review to interested Parties, in particular to members or observers of the coordination Committee, either in written form or in any other easily accessible Form, the following information:
 - (1) Historical slots by airline, chronologically, for all air carriers at the Airport,
 - (2) Requested slots (initial submissions), by air carriers and chronologically, For all air carriers,

- (3) All allocated slots, and outstanding slot requests, listed individually In chronological order, by air carriers, for all air carriers,
 - (4) Remaining available slots,
 - (5) Full details on the criteria being used in the allocation.
- (i) The information referred to in paragraph (h) shall be made available At the latest at the time of the relevant scheduling conferences and as Appropriate during the conferences and thereafter. On request, the Coordinator shall provide such information in a summarized format. Accost-related fee may be charged for the provision of such summarized information.
- (j) Where relevant and generally accepted schedules information Standards are available, the schedules facilitator, the coordinator and the air carriers shall apply them provided that they comply with Rules and regulations.

Subpart (D)

605-11:Coordination committee

- (a) At a coordinated airport, ECAA shall ensure that a coordination committee is set up. The same coordination Committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question regularly and their representative organizations, the managing body of the airport concerned, The tasks of the coordination committee shall be:
- (1) To make proposals concerning or advise the coordinator on the possibilities for increasing the capacity of the airport determined in accordance with article 605.7 or for improving its usage ;the coordination parameters to be determined in accordance with article 605.13
 - i. The methods of monitoring the use of allocated slots;
 - ii. Local guidelines for the allocation of slots or the monitoring of the use of allocated slots, taking into account.
 - ~~iii.~~ Possible environmental concerns, as provided for in part 605.17;
 - iv. Improvements to traffic conditions prevailing at the airport in Question;
 - v. Serious problems encountered by new entrants, as provided this part
 - vi. All questions relating to the capacity of the airport;
 - (2) To mediate between all parties concerned on complaints on the allocation of slots, as provided for in part 605.21
- (b) ECAA, representatives and the coordinator shall be invited to the meetings of the coordination committee.
- (c) The coordination committee shall draw up written rules of Procedure covering, inter alia participation, elections, the frequency of Meetings, and language(s) used. Any member of the coordination Committee may propose local guidelines as provided for in article 605-17at the request of the coordinator, the coordination committee shall discuss suggested local guidelines for the allocation of slots as well as those suggested for the monitoring of the use of allocated slots. A report of the discussions in the coordination committee shall be submitted to Authorities concerned with an indication of the respective Positions stated within the committee.

Subpart (E)**605-13: Coordination parameters**

- (a) At a coordinated airport ECAA shall ensure the determination of the parameters for slot allocation twice yearly, while taking into account of all relevant technical, operational and environmental constraints as well as any changes there to.

This exercise shall be based on an objective analysis of the possibilities of accommodating the air traffic, taking into account the different types of traffic at the airport, the airspace congestion likely to occur during the coordination period and the capacity situation.

The parameters shall be communicated to the airport coordinator in good time before the initial slot allocation takes place for the purpose of scheduling conferences.

- (b) For the purpose of the exercise referred to in paragraph (a), where the concerned authority does not do so; the coordinator shall define relevant coordination time intervals after consultation of the coordination committee and in conformity with the established capacity.

- (c) The determination of the parameters and the methodology used as well as any changes thereto shall be discussed in detail within the coordination committee with a view to increasing the capacity and number of slots available for allocation, before a final decision on the parameters for slot allocation is taken. All relevant documents shall be made available on request to interested parties.

Subpart (F)

605-15:Information for schedules facilitators and coordinators

- (a) Air carriers operating or intending to operate at a schedules facilitated or coordinated airport shall submit to the schedules facilitator or coordinator respectively all relevant information requested by them. All relevant information shall be provided in the format and within the time-limit specified by the schedules facilitator or coordinator. In particular, an air carrier shall inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in accordance with article 605-5 in respect of requested slots For all other airports with no particular designation status, the managing body of the airport shall provide, when requested by a coordinator, any information in its possession about the planned services of air carriers.
- (b) Where an air carrier fails to provide the information referred to in paragraph (a), unless it can satisfactorily demonstrate that mitigating circumstances exist, or provides false or misleading information, the coordinator shall not take into consideration the slot request or requests by that air carrier to which the missing, false or misleading information relates. The coordinator shall give that air carrier the opportunity to submit its observations.
- (c) The schedules facilitator or the coordinator, the managing body of the airport and the air traffic control authorities shall exchange all the information they require for the exercise of their respective duties, including flight data and slots.

Subpart (G)**605-17: Process of slot allocation**

- (a) Series of slots are allocated from the slot pool to applicant carriers as permissions to use the airport infrastructure for the purpose of landing or take-off for the scheduling period for which they are requested, at the expiry of which they have to be returned to the slot pool as set up according to the provisions of article 605-19
- (b) Without prejudice to articles (605.15,605.17,605.17, & 605.25)of this part shall not apply when the following conditions are satisfied:-
 - (1) a series of slots has been used by an air carrier for the operation of scheduled and programmed non-scheduled air services, and
 - (2) that air carrier can demonstrate to the satisfaction of the coordinator
 - (3) That the series of slots in question has been operated, as cleared by the coordinator, by that air carrier for at least 80 % of the time during the scheduling period for which it has been allocated.
 - (4) In such case that series of slots shall entitle the air carrier concerned to the same series of slots in the next equivalent scheduling period, if requested by that air carrier within the time-limit referred to in article 605.15
- (c) Without prejudice to article 605.19 in a situation where all slot requests cannot be accommodated to the satisfaction of the air carriers concerned, preference shall be given to commercial air services and in particular to scheduled services and programmed non-scheduled air services. In the case of competing requests within the same category of services, priority shall be given for year round operations.(summer/winter table)
- (d) Re-timing of series of slots before the allocation of the remaining slots from the pool referred to in article605.21 to the other applicant air carriers shall be accepted only for operational reasons or if slot timings of applicant air carriers would be improved in relation to the timings initially requested. It shall not take effect prior to the express confirmation by the coordinator.
- (e) The coordinator shall also take into account additional rules and guidelines established by the ECAA as well as local guidelines proposed by the coordination committee and approved by the concerned authority or any other competent body responsible for the airport in question, provided that such rules and guidelines do not affect the independent status of the coordinator, comply with national law and aim at improving the efficient use of airport capacity. These rules shall be communicated by the concerned authorities in question to the committee.
- (f) If a requested slot cannot be accommodated, the coordinator shall inform the requesting air carrier of the reasons there for and shall indicate the nearest available alternative slot.
- (g) The coordinator shall, in addition to the planned slot allocation for the scheduling period, Endeavour to accommodate single slot requests with short notice for any type of operation. To this end, slots remaining in the pool referred to in article 605.19afterdistribution among the applicant carriers and slots available at short notice may be used.

Subpart (H)

605-19: Slot Mobility

- (a) Slots may be:
- (1) Transferred by an air carrier from one type of service to another type of service operated by that same air carrier;
 - (2) Transferred:
 - i. Between parent and subsidiary companies, and between subsidiaries of the same parent company,
 - ii. In the case of a total or partial take-over when the slots are directly related to the air carrier taken over;
 - (3) Exchanged, one for one, between air carriers.
- (b) The transfers or exchanges referred to in paragraph (a) shall be notified to the coordinator and shall not take effect prior to the express confirmation by the coordinator. The coordinator shall decline to Confirm the transfers or exchanges if they are not in conformity with the requirements of this Regulation and if the coordinator is not Satisfied that, the airport operations would not be prejudiced, taking into account all Technical, operational and environmental constraints.

Subpart (I)**605-21:Exclusion of compensation claims**

The entitlement to series of slots referred to in article 605.17 shall not give rise to any claims for compensation in respect of any limitation, restriction or elimination thereof imposed under national law, in particular in application of the rules relating to air transport. This Regulation shall not affect the powers of public authorities to require the transfer of slots between air carriers and to direct how these are allocated pursuant to national competition law.

Subpart (J)

605-23:Slot pool

- (a) The coordinator shall set up a pool, which shall contain all the slots not allocated on the basis of article 605.17. All new slot capacity determined pursuant to article 605.7 shall be placed in the pool.
- (b) A series of slots that has been allocated to an air carrier for the operation of a scheduled or a programmed non-scheduled air service shall not entitle that air carrier to the same series of slots in the next equivalent scheduling period if the air carrier cannot demonstrate to the satisfaction of the coordinator that they have been operated, as cleared by the coordinator, by that air carrier for at least 80 % of the time during the scheduling period for which they have been allocated.
- (c) Slots allocated to an air carrier before 31 January for the following summer season, or before 31 August for the following winter season, but which are returned to the coordinator for reallocation before those dates shall not be taken into account for the purposes of the usage calculation.
- (d) 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 on the basis of any of the following reasons:
 - (1) unforeseeable and unavoidable circumstances outside the air carrier's control leading to:
 - i. grounding of the aircraft type generally used for the air service in question;
 - ii. closure of an airport or airspace;
 - iii. Serious disturbance of operations at the airports concerned, including those series of slots at other national airports related to routes which have been affected by such disturbance, during a substantial part of the relevant scheduling period;
 - (2) Interruption of air services due to action intended to affect these services which make it practically and/or technically impossible for the air carrier to carry out operations as planned;
 - (3) Serious financial damage for the air carrier concerned, with, as a result, the granting of a temporary license by the licensing authorities pending financial reorganization of the air carrier
- (e) At the request from ECAA or on its own initiative the Committee shall examine the application of paragraph (d) by the coordinator of an airport falling within the scope of this Regulation. It shall take a decision within two months of receipt of the request in Accordance with the procedure referred to in article 605.23
- (f) Without prejudice to article 605.17 of this Regulation, slots placed in the pool shall be distributed among applicant air carriers. 50 % of these slots shall first be allocated to new entrants unless requests by new entrants are less than 50%. The coordinator shall treat the requests of new entrants and other carriers fairly, in accordance with the coordination periods of each scheduling day. Among requests from new entrants, preference shall be given to air carriers qualifying for new entrant status under article 605.5.

- (g) A new entrant which has been offered a series of slots within one hour before or after the time requested but has not accepted this offer shall not retain its new entrant status for that scheduling period.
- (h) In the case of services operated by a group of air carriers, only one of the participating air carriers can apply for the required slots. The air carrier operating such a service assumes responsibility for meeting the operating criteria required to maintain historical precedence referred to in article 605.17.
Slots allocated to one air carrier may be used by (an) other air carrier(s) participating in a joint operation, provided that the designator code of the air carrier to whom the slots are allocated remains on the shared flight for coordination and monitoring purposes. Upon discontinuation of such operations, the slots so used will remain with the air carrier to whom they were initially allocated. Air carriers involved in shared operations shall advise coordinators of the detail of such operations prior to the beginning of such operations.
- (i) If serious problems continue to exist for new entrants, the concerned authority shall ensure that a meeting of the airport coordination committee is convened. The purpose of the meeting shall be to examine possibilities for remedying the situation. The Commission shall be invited to that meeting.

Subpart (K)

605-25:Complaints and rights of appeal

- (a) Without prejudice to rights of appeal under national law, complaints regarding the application of articles (605.15, 605.17, 605.19, 605.23&605.29) shall be submitted to the coordination committee. The Committee shall, within a period of one month following submission of the complaint, consider the matter and if possible make proposals to the coordinator in an attempt to resolve the problem. If the complaint cannot be settled, the concerned authority may, within a further two month period, provide for mediation by an air carriers' or airports' concerned representative.

- (b) The ECAA shall take appropriate measures, in accordance with national law, to protect coordinators with regard to claims for damages relating to their functions under this Regulation, save in cases of gross negligence or willful misconduct.

Subpart (L)**605-27:Committee procedure**

- (a) Where reference is made to rules and national laws. Laying down the procedures for the exercise of implementing powers conferred to the Committee shall apply, having regard to the provisions of article 605.17 thereof
- (b) The period will be laid down according to the decision taken by the members committee.
- (c) The committee may also be consulted regarding any other matter concerning application of this Regulation.
- (d) The committee shall adopt its rules of procedure.

Subpart (M)

605-29: Enforcement

- (a) An air carrier's flight plan may be rejected by the concerned authority at the required airport if the air carrier intends to land or takeoff at a coordinated airport, during the periods for which it is coordinated, without having a slot allocated by the coordinator.
- (b) The coordinator shall withdraw the series of slots provisionally allocated to an air carrier in the process of establishing itself and place them in the pool on 31 January for the following summer season or on 31 August for the following winter season if the undertaking does not hold an operating license or equivalent on that date or if it is not stated by the competent licensing authority that it is likely that an operating license or equivalent will be issued before the relevant scheduling period commences.
- (c) The coordinator shall withdraw and place in the pool the series of slots of an air carrier, which it has received following an exchange pursuant to article 605.19 if they have not been used as intended.
- (d) Air carriers that repeatedly and intentionally operate air services at a time significantly different from the allocated slot as part of a series of slots or uses slots in a significantly different way from that indicated at the time of allocation and thereby cause prejudice to airport or air traffic Operations shall lose their status as referred to in article 605.17. The Coordinator may decide to withdraw from that air carrier the series of Slots in question for the remainder of the scheduling period and place them in the pool after having heard the air carrier concerned and after issuing a single warning.
- (e) ECAA shall ensure that effective, proportionate and Dissuasive sanctions or equivalent measures are available to deal with Repeated and intentional operation of air services at times significantly Different from the allocated slots or with the use of slots in a significantly Different way from that indicated at the time of allocation, Where this causes prejudice to airport or air traffic operations.
- (f) Without prejudice to article 605.23,
 - (1) If the 80 % usage rate as defined in article 605.17 cannot be achieved by an air carrier, the coordinator may decide to withdraw from that air carrier the series of slots in question for the remainder of the scheduling period and place them in the pool after having heard the air carrier concerned.
 - (2) If after an allotted time corresponding to 20 % of the period of the series validity no slots of that series of slots have been used, the coordinator shall place the series of slots in question in the pool for the remainder of the scheduling period, after having heard the air carrier concerned.

Subpart (N)**605-31: Report and cooperation**

- (a) The committee shall submit a report to Head of ECAA on the operation of this Regulation every Year after its entry into force. The report shall address in particular the functioning of articles (605.17, 605.18 &605.23).
- (b) ECAA and the committee shall cooperate in the application of this Regulation, particularly as regards the collection of information for the report mentioned in paragraph (a).