

ROYAL DECREE 20/2014, of 17 January, on completion of the regulatory regime for the allocation of slots at Spanish airports.

The system of airport management and provision of air navigation services in Spain has been the object of an important modernization process after the legislative reforms, mainly accomplished through Law 9/2010, of 14 April, regulating the provision of air traffic services, establishing the obligations of civil providers of such services and setting specific labor conditions for civil air traffic controllers; Royal Decree 931/2010, of 23 July, regulating the procedure for certification of civil providers of air navigation services and their regulatory control; and Royal Decree-Law 13/2010, of 3 December, on tax, labor and liberalization measures to promote investment and job creation.

This modernization process has entailed, on the one hand, the separation between the airport management and the provision of air navigation services, as well as the inclusion of new providers of aerodrome air traffic services and, on the other hand, the assignment of the management of general interest and state-owned airports to «Aena Aeropuertos, S.A.» which operates besides operators of airports which are not integrated in the network whose management and operation is assigned to the above mentioned state corporation.

In this context, Royal Decree-Law 13/2010, of 3 December, establishes that the functions of coordination, facilitation and monitoring of slots shall be statutorily governed in accordance with the provisions in Council Regulation (EEC) No. 95/93 of 18 January on common rules for the allocation of slots at Community airports (hereinafter the Regulation), and that after its entry into force this Decree-Law supersedes the provisions on the matter contained in Royal Decree-Law 15/2001, of 2 November, laying down urgent measures on air transport.

Pursuant to the foregoing, this Royal Decree completes the regulatory regime, as provided for in the Regulation, establishing the airport managing body responsibility to conduct analyses in order to determine airport capacity, and the competence of the Minister of Development to designate the coordinated and schedules facilitated airports; the Coordinator and schedules facilitator of slots (hereinafter the Coordinator); and the Director of Coordination as well as to determine the appointment requirements; and the control and supervision by the Aviation Safety State Agency in order to verify compliance with the requirements laid down in the Regulation and in this Royal Decree.

In addition, this Royal Decree creates the coordination committees for the allocation of slots and establishes their membership.

Exercising the power vested in the States pursuant to the Regulation,

the functions of Coordinator and schedules facilitator of slots are assigned to a single Coordinator in the whole territory of the State.

The Coordinator is responsible for allocating the landing and take-off slots at coordinated airports, i.e. those where, in order to land or take off, it is necessary for air carriers and any other aircraft operator to have been allocated a slot, with the exception of State flights, emergency landings and humanitarian flights. As schedules facilitator, it is responsible for simplifying the operations of air carriers at schedules facilitated airports, i.e. those where the risk of congestion at specific periods can be avoided by voluntary cooperation between air carriers.

Due to the enforceable nature of the use of the Coordinator services at the designated coordinated airports, the Office of the Attorney General has informed of the need that payments for these services are organized through a public economic charge established by law.

Therefore, this Royal Decree does not regulate the payment for the allocation or schedules facilitation services provided by the Coordinator.

This Royal Decree, in accordance with the information provided by the Ministry of Defense, establishes a specific regulatory regime for the designation, as coordinated airports or schedules facilitated airports, of the air bases open to civil traffic and joint-use aerodromes, in such a way that the powers of this Ministry are safeguarded and it is specified the regulatory regime application to the civil operations and their management. The Coordinator or schedules facilitator functions related to the civil aircraft operations at the airports located in joint-use aerodromes are also specified.

Wherefore, at the proposal of the Minister of Development, after approval by the Minister of Finance and Territorial Policy, with the agreement of the Council of State, and after deliberation by the Council of Ministers at its meeting of 17 January 2014.

I DECREE

CHAPTER I

General Provisions

Article 1. Purpose.

1. The purpose of this Royal Decree is to complete the regulatory regime, as provided for in Council Regulation (EEC) No. 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (hereinafter the Regulation).

2. For this purpose, the body responsible for conducting the analyses to determine airport capacity and parameters for the allocation of slots is

identified, and the designation of coordinated and schedules facilitated airports; the Coordinator and schedules facilitator of slots (hereinafter the Coordinator) requirements and scope of activities; the Coordinator appointment; and the situations leading to the Coordinator appointment revocation are regulated.

In addition, this Royal Decree regulates the appointment and removal of the Director of Coordination as well as the Coordinator and the Director of Coordination control and supervision, and also the composition and set up of the Slot Coordination Committees and the Slot Monitoring Subcommittees controlling the slot usage.

Article 2. Scope of application.

Without prejudice to the provisions of the Second Additional Provision concerning the air bases open to civil traffic and the joint-use aerodromes, this Royal Decree applies to the slot coordination and schedules facilitation activities, carried out by the Coordinator at Spanish airports, or to any other equivalent activity laid down in the Regulation.

This Royal Decree is also applicable to the Coordinator, Director of Coordination, Slot Coordination Committees and Slot Monitoring Subcommittees.

CHAPTER II

Airport capacity determination and designation of coordinated and schedules facilitated airports

Article 3. Determination of airport capacity and determination of the parameters for the allocation of slots.

1. The airport managing body, in cooperation with the providers of air navigation services concerned, is responsible to carry out the detailed analysis of the available capacity for the allocation of slots at an airport.

These analyses will determine the capacity shortfalls, taking into account all the affected airport subsystems, as well as the airport environmental constraints.

2. The analyses referred to in the preceding paragraph shall be in accordance with the provisions of Article 3 of the Regulation and will be sent to the parties mentioned in such an Article and, in addition, to the Director of Coordination, sufficiently in advance to allow the proper execution of his functions, as well as, simultaneously, to the Directorate General of Civil Aviation and to the Slot Coordination Committee exercising its functions at the airport, in order to ensure a neutral, transparent and non-discriminatory process for all the parties concerned.

3. With the aim of verifying that the capacity analyses adequately meet the air transport needs, the Directorate General of Civil Aviation may ask

the airport managing body to carry out the additional analysis that may be deemed necessary.

4. The Director General of Civil Aviation is responsible for determining the parameters for the allocation of slots, in accordance with the procedure laid down in Article 6 of the Regulation

Article 4. Designation of coordinated and schedules facilitated airports.

1. At the proposal of the Directorate General of Civil Aviation, after the report submitted by the airport managing body and, in the case of the airports under an Autonomous Community authority, by the respective Autonomous Community competent body responsible for the management of such airports, and once the procedures provided for in the Regulation have been completed, the Minister of Development shall designate the airports to be included in or excluded from the respective categories foreseen in the Regulation, appropriately modifying the list contained in the annex.

2. For this purpose, the airports listed in the annex are designated as coordinated and schedules facilitated airports upon the entry into force of this Royal Decree.

CHAPTER III

Appointment, revocation and termination of the Coordinator activities

Article 5. Appointment and revocation of the Coordinator.

1. The Minister of Development, at the proposal of the Directorate General of Civil Aviation and after completion of the procedures provided for in Article 4.1 of the Regulation, is responsible for the appointment of the Coordinator that will be a single Coordinator performing, in the whole territory of the State, through the Director of Coordination, the functions of slot coordination and schedules facilitation as well as any other function assigned to the Coordinator by the Regulation.

Likewise, the Minister of Development, at the proposal of the Directorate General of Civil Aviation, is responsible for the revocation of the appointment in the case of failure to comply with the requirements established in this Royal Decree and the Regulation.

The Order, issued by the Minister of Development, where the Coordinator appointment revocation is settled, puts an end to the administrative procedure, and an appeal against such an order can be lodged in accordance with the provisions in Law 29/1998, of 13 July, regulating the Contentious-Administrative Jurisdiction.

Within a maximum period of six months after the publication of the appointment revocation, a new Coordinator shall be appointed. To ensure

the continuity of the services, the Coordinator whose appointment has been revoked shall continue to provide its services until the newly appointed Coordinator starts to carry out its activities.

2. The procedure for the Coordinator appointment shall be opened ex-officio through an agreement issued by the Director General of Civil Aviation that shall be posted on the website of the Ministry of Development and the State Coordination Committee shall be notified, allowing a period of ten days so that the relevant applications to participate in the appointment procedure can be formulated.

In the event that more than one organization meeting the requirements established in this Royal Decree participated in the selection procedure, it should be appointed that organization with the highest level of representativity in respect of the coordinated airports and air carriers operating at them.

If no express resolution has been issued after a period of six months counted as from the date of the agreement for the procedure opening, and without prejudice to the obligation to resolve, the organizations that have participated in the appointment procedure can understand that such administrative silence means that their applications have been dismissed, as provided for in Article 44 of Law 30/1992, of 26 November, on the Legal Regime of Public Administrations and on the Common Administrative Procedure.

3. The date of commencement of the functions of the Coordinator shall be established in the appointment Order, and may be established later until the appointment of the Director of Coordination, if this appointment is not determined through the same administrative act.

4. Without prejudice to any other reports that the Directorate General of Civil Aviation deems relevant to collect, for the resolution of the procedure, a report carried out by the Aviation Safety State Agency shall be requested in the event of a appointment revocation case.

5. The Coordinator appointment and revocation will be published in the «State Official Bulletin».

Article 6. Coordinator termination of activities.

In the event that the Coordinator decides to discontinue its services, it shall inform the Directorate General of Civil Aviation at least six months before the date scheduled to cease its activities.

The Coordinator discontinuing its services shall ensure the continuity of the services rendered until the commencement of the activities of the new Coordinator appointed on the date determined in the resolution issued to proceed with its appointment.

Article 7. *Transfer of means.*

In the event of revocation or termination of the Coordinator activities, this shall facilitate the continuation of the use of the available means, in particular information technology means, so that the newly appointed Coordinator can perform the functions provided for in Article 5.1, without prejudice to the relevant agreements or contracts.

If an agreement between the outgoing Coordinator and the entrant is not possible, the Ministry of Development shall take the appropriate measures ensuring the transfer of means referred to in the preceding paragraph.

CHAPTER IV

Coordinator Requirements

Article 8. *Definition.*

1. The Coordinator shall be a non-profit, private and legal entity at the State level, established for an indefinite time period, proving compliance with and maintaining of the requirements established in this Chapter.

2. The Coordinator registered office shall be located in the Spanish territory.

Article 9. *Composition.*

1. The Coordinator will be formed by airport managing bodies and aircraft operators developing their activities at Spanish airports. The participation of any of these categories in the organization shall not exceed 60% of the non-profit entity capital, or 50% of representativeness in the governing and management bodies of the organization. For these purposes, it shall be deemed that there is equal representation in the governing and management bodies when it is statutorily ensured that each of the categories has the same number of votes, regardless of the members integrating each of them.

In addition, more than 50% of the Coordinator capital will be in the hands of companies with registered offices in the Member States of the European Union or the European Economic Area or citizens of such States, either directly or through one or more intermediate companies, and participation in the Coordinator capital of any of its members in no case will represent a percentage determining a change in the private legal nature of the Coordinator.

For the purposes of this Article, capital will mean the initial capital or endowment of the organization along with any contributions made by the members to the organization, whether economic or patrimonial, different from the financial means set up in Article 13.2 and 3.

2. At the time of the appointment, at least a significant number of airport managing bodies of the coordinated airports, i.e. those accounting for at least a volume of traffic equivalent to that one of the 6 coordinated airports with major volumes of traffic, and also a number of aircraft operators established in Spain which, considered as a whole, represent at least 20% of the movements at the Spanish coordinated airports, shall be part of the organization.

When there is a decrease in the representativeness of the airports or aircraft operators referred to in the preceding paragraph, and while this decrease lasts, the Coordinator shall be subjected to a specific supervision plan of the Aviation Safety State Agency in order to ensure that such a representativeness decrease is exclusively due to the free decision of the parties that, in accordance with the provisions of this Royal Decree, may participate in the organization, and that it does not have an impact on the Coordinator activities or on competition. For these purposes, the Aviation Safety State Agency may request a report from the National Commission on Markets and Competition.

Upon confirming that the representativeness decrease is going to continue indefinitely the appointment may be revoked.

3. Likewise, in the Coordinator organization, the airport managing bodies of schedules facilitated airports and aircraft operators with significant volumes of movements at schedules facilitated airports may participate. Their rights and obligations as well as their representativeness in the governing and management bodies of the organization shall be statutorily established.

4. The bylaws shall also contemplate the incorporation into the organization of the managing bodies of the Spanish airports designated as coordinated and of the aircraft operators with significant numbers of operations at the Spanish coordinated airports.

Likewise, the bylaws will also contemplate that, within a three month period as from the application for incorporation into the Coordinator is received, it will make a reasoned decision on the appropriateness of the incorporation of the aircraft operator or the airport managing body into the organization and that, after that period, if the application for incorporation has not been dismissed, the applicant incorporation into the organization will be deemed appropriate. The incorporation dismissal may only be based on the fact that the applicant, whether being an airport managing body or an air carrier established in Spain, has not recorded a minimum volume of traffic or movements of a 0.4% for the previous year at the coordinated airports according to the Directorate General of Civil Aviation traffic statistics.

Article 10. Organization and functions.

1. The organization and functions of the Coordinator will be statutorily structured through the following governing bodies:

a) The supreme governing body of the organization in which, if appropriate, all its members are included under the terms statutorily provided for.

b) The management body of the organization is designated by the supreme governing body.

2. In addition to the functions that by law and in its bylaws may be assigned to it, the supreme governing body is responsible for:

a) approval of the annual accounts and the action plans of the organization;

b) amendment of the bylaws;

c) appointment of the members of the management body and, if appropriate, the setting of its members remuneration;

d) merger or dissolution of the organization; and

e) proposal of the appointment and removal of the Director of Coordination.

The adoption of its agreements is subject to the majorities provided for legally or by its bylaws, and it is, in any case, required that those provided for in this paragraph are adopted by a majority of the votes cast in each one of the two categories forming the organization, i.e. airport managing bodies and aircraft operators.

3. The composition of the bodies referred to in paragraph 1, the decision-making procedures, and the internal rules of the organization will ensure:

a) the effective representation of all members of the non-profit organization, so that no individual member holds, directly or indirectly, effective control of the organization; and

b) the Director of Coordination independence in the exercise of his functions.

Article 11. *Purposes and activities.*

The Coordinator purposes and its activities will be centered on the exercise of the functions provided for in Article 5.1 and subject to the provisions in the Regulation and in this Royal Decree, without prejudice to the fact that its bylaws may provide for the possibility of carrying out other ancillary activities which do not come into conflict with the exercise of its principal function.

The delimitation of the ancillary activities and their offer will ensure that the Coordinator does not take any advantage on competition resulting from

its appointment as such.

Article 12. *Services.*

The Coordinator will provide services to all aircraft operators being the users of the airports where it develops the functions provided for in Article 5.1, even if they are not members of the organization. This obligation shall be contained in the bylaws of the Coordinator.

Article 13. *Financing.*

1. The Coordinator financing shall guarantee its independence, in accordance with the provisions in the Regulation, and its adequacy to ensure the continuity in the provision of the coordination services.

2. The Coordinator financing shall be essentially based, as legally provided for, on the remuneration for the services provided to airport managing bodies and aircraft operators in relation to the allocation of slots, and assistance or recommendation of alternative schedules at schedules facilitated airports, as well as for the exercise of any other function that the Regulation assigns to the Coordinator. In order to ensure payments for the provision of these services, and without prejudice to what may be legally established, the Coordinator might require aircraft operators and airport managing bodies, i.e. the users of its services, guarantees such as deposits or total or partial anticipated payments.

3. For the sole purpose of facilitating the Coordinator financial independence and its continued compliance with the functions set out in the Regulation, the Coordinator may obtain other earnings resulting from the exercise of the ancillary activities referred to in Article 11, provided that such earnings do not represent more than 25% of all income of the Coordinator and they are intended to finance the costs of the services referred to in the preceding paragraph.

The setting of these private prices, and their intended use, in accordance with this paragraph 3, will be carried out in a transparent way and subject to supervision by the Aviation Safety State Agency, as provided for in Article 18.

Article 14. *Director of Coordination.*

1. The Coordinator shall appoint a Director of Coordination, who shall be fully responsible for the exercise of the functions conferred on the Coordinator in accordance with the provisions in Article 5.1 of this Royal Decree, and shall do so independently from all the parties concerned, in a fair, non-discriminatory, and transparent manner, in accordance with the provisions of Article 4, paragraphs 2, 4 and 5 of the Regulation.

Likewise, the Director of Coordination shall be responsible for the monitoring and supervision of the use of the allocated slots, in order to ensure their effective use and the correct performance of schedules, and

for the improvement of the service quality, flexibility and effectiveness of the process of coordination, and he shall be the highest technical representative of the Coordinator, at both the national and international levels, in respect of matters related to the functions referred to in the preceding paragraph, in accordance with the provisions of Article 4, paragraphs 3 and 6 of the Regulation.

2. In addition, the Director of Coordinator may develop other functions expressly assigned to him in the Coordinator bylaws, unless these are inconsistent with the performance of the duties provided for in paragraph 1 or may affect the independence, fairness, non-discrimination and transparency requirements under which he shall have to exercise such duties.

3. The Coordinator shall ensure the functional, financial and economic independence of the Director of Coordination, and the technical staff assigned to his Office.

Article 15. Appointment and removal of the Director of Coordination.

1. The Director of Coordination shall be appointed by the Minister of Development, at the proposal of the organization applying for its appointment as Coordinator or of the appointed Coordinator, as the case may be, and after submission of a report of the Directorate General of Civil Aviation. The selection process shall include candidates with a proven broad knowledge and experience in the management of slot coordination and schedules facilitation.

2. The Director of Coordination shall be removed by the Minister of Development, at the proposal of the Coordinator, and after submission of a report of the Directorate General of Civil Aviation. When this removal is based on failure to comply with or faulty compliance with the provisions in the Regulation or in this Royal Decree, a report of the Aviation Safety State Agency will also be necessary.

Likewise, the Minister of Development shall authorize the Director of Coordination resignation, when he decides to voluntarily resign from office.

In both cases, the Director of Coordination removal will not be effective until a new Director of Coordination is appointed and he can start the effective exercise of his functions. For this purpose, the Coordinator will establish a transition plan ensuring that, in no case, the continuity of the provision of the services needed for the exercise of the functions provided for in Article 5.1 and their monitoring and supervision will be compromised.

Article 16. Technical staff assigned to the Office of the Director of Coordination.

1. The Coordinator will assign adequate technical staff to the Office of the Director of Coordination for the proper implementation of the functions referred to in Article 14.1.

2. This staff, assigned to the Office of the Director of Coordination, shall:

- a) have proven experience in coordination-related matters or appropriate training for this purpose;
- b) act subject to the principles of non-discrimination, fairness and transparency; and
- c) act exclusively under the Director of Coordination control, not under any other authority control.

Article 17. Access to information technology systems and tools.

1. The appointed Coordinator shall reach agreements with the airport managing bodies of the airports where its functions provided for in Article 5.1 are developed, as well as with the providers of air navigation services, to ensure immediate access to the information and operating systems and software tools used by them, in order to obtain information on airports and aircraft operators as regards the planning, execution and analysis of the aircraft operations that may be necessary for the exercise and monitoring of the aforementioned functions.

The Coordinator shall ensure that access to the information referred to in this paragraph 1 shall be limited to the Director of Coordination and the technical staff assigned to his Office.

2. The agreements, referred to in the preceding paragraph, shall include provisions on the way and conditions in which airport managing bodies and air navigation services providers may access to the data of the information systems and software tools used in the management of the coordination functions.

Airport managing bodies and air navigation services providers shall ensure the confidential treatment of the information obtained in this way.

CHAPTER V

Administrative powers

Article 18. Powers of the Ministry of Development.

1. The Ministry of Development, through the Directorate General of Civil Aviation, shall ensure that the Director of Coordination may exercise the functions provided for in Article 5.1 in a fair, non-discriminatory, independent and transparent way in accordance with the provisions of the Regulation, and that the Coordinator organization and procedures are in conformity to the provisions of this Royal Decree.

2. In any case, the Aviation Safety State Agency shall be responsible for the control and inspection duties in respect of the Director of Coordination and of the Coordinator, including economic supervision, and

supervision of their procedures, as well as for the preparation of a report on their compliance with the requirements laid down in the Regulation and in this Royal Decree.

Exercising its economic supervision function, the Aviation Safety State Agency shall verify that the Coordinator financing is to ensure its sufficient financial adequacy and the continuity of the provision of services.

The Aviation Safety State Agency may require the Coordinator to provide any information needed in order to exercise its economic supervision functions.

3. The Aviation Safety State Agency, the competent authority to exercise the powers to conduct inspections and impose sanctions, shall abide by Law 21/2003, of 7 July, on aviation safety, and Royal Decree 98/2009, of 6 February, on approval of the rules on aeronautical inspections.

4. Exercising the functions, provided for in paragraphs 2 and 3, in relation to the Director of Coordination and the Coordinator activities at the airports under an Autonomous Community authority, the Aviation Safety State Agency shall require the respective Autonomous Community to provide a mandatory report.

5. Where necessary, any modifications concerning the slots reserved to perform operations under the requirements of public service obligations shall be authorized by the Directorate General of Civil Aviation, after verifying that they are in accordance with the agreed public service obligations.

In the event that an air carrier that operates the routes, referred to in Article 9 of the Regulation, does not use the allocated slots, the Director of Coordination may reallocate them, after authorization by the Directorate General of Civil Aviation.

6. The Directorate General of Civil Aviation and the Aviation Safety State Agency shall agree to exchange information in order to facilitate the proper exercise of their functions.

Article 19. Coordinator duties to provide information.

1. Without prejudice to the duties to exchange information provided for in the Regulation, the Director of Coordination shall give a response to all requests of information made by the Aviation Safety State Agency and by the Directorate General of Civil Aviation in relation to the slots available at the airports where he exercises the functions provided for in article 5.1.

2. In addition, the Director of Coordination or, in respect of those functions not assigned to him, the Coordinator, shall facilitate, without the need for a request to do so, the following:

a) Information on any potential difficulties to be faced due to the new capacities available for the allocation of slots.

b) Information, at the end of each scheduling period, on the number of slots recognized as historic, by air carrier and by airport, and if necessary and at the request of either the Directorate General of Civil Aviation or the Aviation Safety State Agency, information on those slots that have lost their historic precedence.

c) Data, by airport, on the information concerning the slots referred to in Article 10 of the Regulation, before holding each Scheduling Conference.

d) A report, after the end of each Scheduling Conference, indicating the slots allocated to each air carrier as well as those slots requested whose allocation was not granted, by air carrier and by airport.

e) Information on any irregularities occurring repeatedly in respect of the use of allocated slots.

f) Information, where available, on the occurrence of any of the circumstances referred to in Article 11 of the Regulation.

In the event that there is evidence of malfunction of the services assigned to the Director of Coordination in the exercise of the functions provided for in Article 5.1, the Aviation Safety State Agency, apart from informing the Coordinator and requesting its revision of the situation and the identification of appropriate corrective measures to address the shortcomings detected, may agree to open an inspection process in accordance with the provisions in Royal Decree 98/2009, of 6 February, approving the aeronautical inspection regulation.

g) For consultation purposes, access to the information technology systems and tools used in the management of the functions provided for in Article 5.1 shall be granted at any time and without restrictions.

h) Annual accounts approved by the supreme governing body of the organization and, where required by the regulations applicable to the organization, audited, not later than six months after the last day of the corresponding financial year.

i) Statutory modifications and any change in its membership.

The information referred to in this paragraph 2 shall be respectively provided as follows: the items mentioned in sub-paragraphs a) to d), both inclusive, and sub-paragraph i) to the Directorate General of Civil Aviation; and the items mentioned in sub-paragraphs b) to i), both

inclusive, to the Aviation Safety State Agency.

3. The information referred to in paragraph 2 may be provided by electronic means and that one mentioned in sub-paragraphs b), c) and d) may be provided through direct access to such information through the Coordinator tools. For these purposes, all information requiring processing and that is accessible through these tools, will not be considered as direct access.

4. Likewise, the Director of Coordination shall deal with the requests of information made by the competent body for the airports in the respective Autonomous Communities, in relation to those airports managed by an Autonomous Communities authority at which he exercises the functions provided for in Article 5.1.

5. The information referred to in this Article shall be provided for free.

CHAPTER VI

Slot Coordination Committees and Slot Monitoring Subcommittees

Article 20. Slot Coordination Committees.

1. The State Slot Coordination Committee shall render advisory services to the Coordinator, to the Aviation Safety State Agency and to the Directorate General of Civil Aviation, and mediation services between the parties concerned in cases of complaints on the allocation of slots, as provided for in Article 5 of the Regulation, at all the airports designated as coordinated where there is not a specific Slot Coordination Committee. Where there are such Committees, they will exercise those slots-related functions at the respective relevant infrastructure.

The State Slot Coordination Committee and the specific Slot Coordination Committees (hereinafter both referred to as Slot Coordination Committees) are bodies of a private legal nature that will be governed by their own rules which, in any case, shall comply with the provisions in Article 5 of the Regulation.

2. By Order of the Minister of Development, a specific Slot Coordination Committee may be set up at an airport where operations exceed 200,000 operations per year.

Article 21. Slot Coordination Committees composition.

1. The State Slot Coordination Committee will be formed by:
 - a) «Aena Aeropuertos, S.A.», representing the coordinated airports integrated into the network whose management is assigned to it.

- b) Airport managing bodies of the coordinated airports, on behalf of the rest of the coordinated airports not integrated in the network managed by «Aena Aeropuertos,S.A.».
 - c) Air carriers operating at the coordinated airports.
 - d) Organizations representing such air carriers.
 - e) The most relevant providers of handling services, in terms of the volumes of traffic handled at the coordinated airports.
 - f) The public entity Aena Aeropuertos Españoles y Navegación Aérea (AENA).
 - g) Providers of air navigation services at the coordinated airports.
 - h) Representatives of the general aviation aircraft operators using regularly the coordinated airports.
 - i) If appropriate, other individuals referred to in the Regulation.
2. The specific Coordination Committees of slots shall ensure the same representativeness in their composition, taking as a reference the respective corresponding coordinated airport.
3. The following entities and persons will have the status of permanent observers:
- a) In the State Slot Coordination Committee, the Director of Coordination, the Aviation Safety State Agency and the Directorate General of Civil Aviation.
 - b) In the specific Slot Coordination Committees of an airport, and in addition to those mentioned in paragraph a), a representative of the Autonomous Community where the infrastructure is located.
4. The Autonomous Communities with powers over designated coordinated airports shall be requested to attend the State Slot Coordination Committee meetings, when such airports do not have specific Slot Coordination Committees, always providing that the agenda includes matters affecting their competences so that they can participate in the discussions on such matters.

Article 22. *Slot Monitoring Subcommittees.*

1. Slot Coordination Committees may set up Slot Monitoring Subcommittees for each airport or group of airports falling within their respective scope.

The purpose of these Subcommittees shall be monitoring compliance with the rules for the use of slots by air carriers or other aircraft operators, providing support for the tasks on this matter that are under the Director of

Coordination responsibility. For this purpose, these Subcommittees may contact air carriers or aircraft operators when irregularities in the use of slots are detected in order to request information and, where appropriate, notify the misuse to the Slot Coordination Committee and to the Director of Coordination.

2. Slot Monitoring Subcommittees shall have the composition decided by the Slot Coordination Committee setting them up and they shall act in accordance with the Slot Coordination Committee rules of procedure, their own rules of procedure, the provisions contained in the Regulation and in this Royal Decree, in respect of the supervision of compliance with the use of the allocated slots or, where appropriate, the recommended schedules for the operations performed by air carriers or aircraft operators.

The Director of Coordination will have the status of permanent observer at the meetings of the Slot Monitoring Subcommittees.

First Additional Provision. *Creation of the specific Slot Coordination Committees at Madrid-Barajas Airport and Barcelona-El Prat Airport.*

The specific Slot Coordination Committees for the airports of Madrid-Barajas and Barcelona-El Prat are hereby created, and respectively referred to as Madrid-Barajas Slot Coordination Committee and Barcelona-El Prat Slot Coordination Committee.

These Coordination Committees shall be set up and draw up their own rules of procedure within a period of eight months after the entry into force of this Royal Decree, and, in any case, in addition to the participation provided for in Article 21, they shall provide for the respective participation of the City Council of Madrid and the City Council of Barcelona as permanent observers.

Second Additional Provision. *Air bases open to civil traffic and joint-use aerodromes.*

The provisions of this Royal Decree shall apply to air bases open to civil traffic and joint-use aerodromes under the following terms:

a) The references to airport managing bodies, contained in this Royal Decree, in relation to air bases open to civil traffic, shall be understood as references made to the entity responsible for the operation, conservation and administration of the civilian areas, in accordance with Article 9 of Royal Decree 1167/1995, of 7 July, on the regime of use of aerodromes jointly used by an air base and an airport and air bases open to civil traffic.

b) The Coordinator or facilitator in the air bases open to civil traffic shall perform its functions exclusively in relation to civil aircraft operations, and subject to the agreements in which the use of such bases for civilian traffic is established.

c) The inclusion in or exclusion of an air base open to civil traffic from any of the categories provided for in the Regulation, as well as the detailed analysis to determine its airport capacity, and the Directorate General of Civil Aviation authorization for the modification of the slots reserved for operations performed according to the conditions of public service obligations in the aforementioned infrastructure shall be carried out after the drawing up of a binding report by the Ministry of Defense.

In aerodromes jointly used by an air base or a military aerodrome and an airport, the actions, referred to in the preceding paragraph, in the airport shall take into account the needs of the air base or military aerodrome, and to this effect a report by the Ministry of Defense shall be requested. This report is not binding.

d) In relation to the air bases open to civil traffic and designated as coordinated or schedules facilitated and, if appropriate, in relation to the joint-use Zaragoza Airport, access, reference in Article 17, to the information systems and software tools of the military provider of air traffic services shall be understood to be exclusively referred to the information on the civil traffic management.

e) The Coordinator or facilitator at the airports located in a joint-use aerodrome shall perform their functions exclusively in relation to civil aircraft, without prejudice to the coordination referred to in Article 12 of Royal Decree 1167/1995, of July 7.

First Transitory Provision. *State Slot Coordination Committee.*

1. As from the entry into force of this Royal Decree, the National Slot Coordination Committee will be renamed State Slot Coordination Committee.

The State Slot Coordination Committee shall cease to perform its functions at those airports having a specific Slot Coordination Committee at the time when, once this Committee has been set up, it has its specific rules of procedure.

2. The State Slot Coordination Committee shall adapt its rules of procedure to the provisions of this Royal Decree within a period of six months as from its entry into force.

Second Transitory Provision. *Exercise of functions by the public entity Aeropuertos Españoles y Navegación Aérea (AENA).*

The public entity Aeropuertos Españoles y Navegación Aérea (AENA) shall continue to exercise the functions of slot coordination, schedules facilitation and supervision established in the Regulation and in this Royal Decree up to the time when the Coordinator appointed by the Ministry of Development starts to exercise its functions.

Within a period of three months as from the entry into force of either this Royal Decree or the legal instrument establishing the provisions on remuneration for the services of the Coordinator, if the latter issued later, The Minister of Development will appoint the Coordinator.

After the Coordinator has been appointed, and in order to make effective the transfer of functions, ensuring the continuity, efficiency and safety of the coordination and facilitation services, the public entity Aeropuertos Españoles y Navegación Aérea (AENA) will put at the Coordinator's disposal all information and management tools used in the coordination process, after the signature of any agreements or contracts needed for this purpose.

Sole Repeal Provision. *Repealing provisions.*

Upon the entry into force of this Royal Decree it shall take effect the repeal of Royal Decree-Law 15/2001, of 2 November, adopting urgent measures on air transport, as provided for in the First Additional Provision of Royal Decree-Law 13/2010, of 3 December, on tax, labor and liberalization measures to promote investment and job creation.

First Final Provision. *Empowerments.*

This Royal Decree is issued pursuant to the powers concerning the air space control, air transit, and air transport exclusively vested in the State by Article 149.1.20^a of the Constitution.

Second Final Provision. *Application of Community Law.*

This Royal Decree is issued in application of the provisions in Regulation (EEC) No. 95/93 of 18 January, on common rules for the allocation of slots at Community airports.

Third Final Provision. *Regulatory development.*

The Minister of Development shall issue all the necessary provisions for the development of this Royal Decree.

Fourth Final Provision. *Entry into Force.*

This Royal Decree shall enter into force twenty days after the date of its publication in the State Official Bulletin.

Done in Madrid, 17 January 2014.

JUAN CARLOS R.

The Minister of
Development
ANA MARÍA PASTOR
JULIÁN

ANNEX I

I. List of airports designated as coordinated airports

a) Civil airports designated as coordinated airports:

- Alicante-Elche.
- Barcelona-El Prat.
- Bilbao.
- Fuerteventura.
- Ibiza –summer season–.
- Madrid-Barajas.
- Menorca –summer season–.
- TenerifeSur.
- Valencia.

b) Joint-use airports designated as coordinated airports:

- Lanzarote.
- Malaga-Costa del Sol.
- Gran Canaria.
- Palma de Mallorca.

II. List of airports designated as schedules facilitated airports

a) Civil airports designated as schedules facilitated airports:

- San Sebastian.
- Girona-Costa Brava.
- ACoruña.
- Pamplona.
- Seville.
- Federico García Lorca-Granada-Jaen.
- Ibiza –winter season–.
- Almeria.
- Menorca –winter season–.
- Asturias.
- Reus.
- Santander.
- La Palma.
- Jerez.

b) Airports at joint-use aerodromes designated as schedules facilitated airports:

- Tenerife Norte.

c) Air bases open to civil traffic designated as scheduled facilitated airports:

- Murcia-San Javier.