

ROYAL DECREE-LAW 1/2014, of 24 January, on reform in the areas of infrastructure and transport and other economic measures

Third Article. *Modification of Law 21/2003, of 7 July, on Air Safety.*

Law 21/2003, of 7 July, on Air Safety is amended as follows:

One. Article 49 is amended in the following sense:

a) In paragraph 1 a new 6th infringement is added as follows:

"6th A delay in the payment of the public economic charge for the allocation of slots by the liable party, when it is not a serious or very serious infringement."

b) In paragraph 2 a new 4th infringement is added as follows:

"4th A repeated delay in the payment of the public economic charge for the allocation of slots by the liable party, when it is not a very serious infringement."

c) In paragraph 3 a new 4th infringement is added as follows:

"4th Repeated infringements of the obligations of payment of the public economic charge for the allocation of slots by the liable party, when such infringements affect the financial adequacy of the Coordinator and Schedules Facilitator."

Two. Two new additional provisions are added and worded as follows:

"Seventeenth Additional Provision. Public economic charge for the allocation of slots.

1. The public economic charge for the allocation of slots remunerates the Coordinator and Schedules Facilitator (hereinafter Coordinator), appointed by the Ministerio de Fomento, for the services provided to airport managing bodies and aircraft operators, concerning the allocation of slots at coordinated airports and advice or recommendation of schedules at schedules facilitated airports.

2. The airport managing bodies of the Spanish airports designated as coordinated or schedules facilitated and the aircraft operators with slots allocated or schedules facilitated at such airports at the end of each calendar month are obliged to pay this charge.

The aircraft operators with a maximum of 10 slots allocated or 10 schedules facilitated for a scheduling season, either summer or winter,

at a specific coordinated or schedules facilitated airport, are exempt from the payment of this charge.

3. The amount of the charge, "P", is the result of applying the following formula:

$$"P" = "q" \times "m"$$

where:

"q", is the unitary amount of €0.85 per slot allocated and €0.43 per schedule facilitated; and

"m":

- a) For each airport managing body, all the slots allocated or schedules facilitated at the corresponding airport at the end of each calendar month, as recorded by the Coordinator.
 - b) For each aircraft operator, the total number of slots allocated or schedules facilitated to such an aircraft operator at the end of each calendar month, as recorded by the Coordinator.
4. The charge payment shall be made per expired month. Within a period of 15 days following the end of the charge accrual period of one month, the settlement and payment of the accrued charges shall be made.

In the cases where the aircraft operator has a maximum of 10 slots allocated or 10 schedules facilitated during one calendar month and at a specific airport, the charge payment shall be made per expired month, in the first one in which the accumulated number exceeds 10 slots allocated or schedules facilitated since the last settlement made for the corresponding scheduling season.

In any case, at the end of each scheduling season, and within a period of 15 days after its end, the payment of any pending amount of the public economic charge shall be made.

5. The Coordinator is responsible for the management, settlement and collection of this charge and may use enforcement measures for its efficient collection, the management of which shall be carried out by the collection bodies of the Tax Administration State Agency.

Against the actions of management, settlement and collection of the public economic charges taken by the Coordinator, the filing of an economic-administrative complaint will be pertinent in accordance with the legal regime established in Article 69, paragraphs 3 and 4, a) of Law 21/2003, of 7 July, on Air Safety.

The Aviation Safety State Agency will ensure the proper management of these revenues.

Without prejudice to the foregoing, the airport managing body, if appropriate with the prior signing of the applicable agreements, shall cooperate in the management of the public economic charge by collecting the accrued amounts paid by the aircraft operators.

The airport managing body shall pay the Coordinator the collected amounts paid by the aircraft operators and the corresponding public economic charge it is obliged to pay, within a period of five working days after the deadline for the charge payment provided for in paragraph 4.

6. The airport managing body and the Coordinator shall sign, within a period of six months counted as from the time when the Coordinator effectively starts to perform its functions, the necessary agreements for the management and collection of the public economic charge in those cases in which the coordination of slots has to be conducted out of the Coordinator office hours.
7. The public economic charge shall be enforceable as from the time when the Coordinator effectively starts to perform its functions and, in the cases referred to in paragraph 6, after expiry of the deadline for the signing of the agreements provided for in such a paragraph."

"Eighteenth Additional Provision. Proposal of update and modification of the public economic charge for the allocation of slots.

1. The proposal of update or modification of the public economic charge for the allocation of slots shall be drawn up by the Directorate General of Civil Aviation in order to be incorporated into the corresponding Draft Bill, upon the Coordinator initiative and the Aviation Safety State Agency report, in accordance with the procedure laid down in this provision.
2. The Coordinator is responsible for the update or modification initiative, which shall be referred to the Aviation Safety State Agency at least four months before the date of the initiation of the processing of the Draft Bill into which the proposal shall be incorporated.

The Coordinator initiative shall ensure its sufficient funding and the equally sharing of the management costs, on the basis of the services effectively provided, between the airport managing bodies and aircraft operators, without distinction in respect of the fact that they are Members of the Coordinator or not.

The initiative must contain the incomes and expenses budget planned for the following financial year with the breakdown in respect of human resources, operating costs, as well as any other direct or indirect costs

incurred, any estimation concerning the allocation of slots and schedules facilitated for such a year and the amount of the update or modification that is proposed.

3. The Aviation Safety State Agency shall write a report on the Coordinator proposal, exercising its functions of economic supervision, and shall send such a report, together with the Coordinator proposal, to the Directorate General of Civil Aviation within a period of three months after the receipt of the proposal."

COURTESY TRANSLATION