

## Replies to the 7 questions from the comprehensive impact assessment framework for policy and legislation (IAK)

### ***Draft decree in connection with the potential introduction of traffic distribution rules between Amsterdam Airport Schiphol (AAS) and Lelystad Airport (LA)***

The comprehensive impact assessment framework for policy and legislation contains standards sound policy and sound legislation need to comply with. More information can be found via: [www.naarhetaik.nl](http://www.naarhetaik.nl).

#### 1. What is the immediate cause?

In line with the Alders agreement the Dutch government aims to develop Lelystad Airport (LA) as the overflow airport of Amsterdam Airport Schiphol (AAS), so that capacity at AAS can be made available for strengthening its (inter)continental network. To this end it is important to implement traffic distribution rules (TDR) to guarantee that LA will be used as the overflow airport of AAS.

The government's selectivity policy entails that AAS is primarily to be used by (inter)continental hub and mainport traffic. The regional airports (Eindhoven and LA) focus primarily on point-to-point traffic. The selectivity policy was politically confirmed in the government's coalition agreement and is based on the Alders agreement (2008), the aviation policy document (2009) and the Schiphol Action Agenda (2016).

The TDR are one of the instruments in a larger package of measures to effectively implement the selectivity policy.

In general terms, TDR distribute air traffic between two or more airports that serve the same urban agglomeration. In the specific case of AAS and LA, the rules comprise the following two elements:

1. LA's capacity up to 25,000 slots will be provided with priority to traffic distributed from AAS. After three years an evaluation of the workings of the TDR will be conducted. Based on this evaluation, and after approval by the European Commission, the slots between 10,000 and 25,000 at LA will also be distributed with priority to traffic originating from AAS;
2. the capacity released at AAS as a result of the rules will be used exclusively by transfer traffic, the definition of which is laid out in a ministerial order.

The European Commission needs to approve the TDR.

## 2. Who are the stakeholders?

- Air carriers (predominantly air carriers that now operate at AAS and want to operate at LA);
- Airports (mainly AAS and LA);
- Passengers;
- Slot coordinator;
- Residents in the surroundings of the airports;
- Ministry of Infrastructure and Water Management.

## 3. What is the context?

The network traffic at AAS is of essential importance to the economically valuable function of the national airport as an important hub in Europe. Due to the scarce capacity that is available for aviation in the Netherlands, the government aims to use the available capacity at AAS to support its hub function as much as possible.

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## 4. What is the objective?

As a result of the TDR:

- Point-to-point traffic may be relocated from AAS to LA;
- Capacity for transfer traffic will thus be created at AAS.

## 5. What is the justification for government intervention?

Given the open nature, in principle, of airports, LA's operator does not have sufficient power to allocate capacity at LA in a structural manner with priority to traffic distributed from AAS, thus guaranteeing the functioning of LA as an overflow airport. Similarly, AAS's operator cannot reserve the capacity released at AAS for transfer traffic without the TDR. The TDR can help with the realization of this goal.

The TDR are based on market forces in so far as possible. The capacity at LA and the capacity released at AAS will be regulated by means of a public law instrument and at the same time market parties will be free within the context of the traffic distribution rule to implement it as they wish. Air carriers that move from AAS to LA will do so voluntarily – the move must be initiated by the market. The Schiphol Group will be responsible for providing the right incentives to encourage

air carriers to take this voluntary step.

6. What is the best instrument?

The introduction of the TDR will be established through a decree under article 8a.52 of the Aviation Act.

7. What are the consequences for citizens, companies, government and environment?

The Schiphol and Lelystad Airports (Traffic Distribution) Decree and the ministerial order relating to it were submitted to the Dutch Advisory Board on Regulatory Burden (ATR) for comment in an earlier stage. Its advice has been incorporated in the documentation relating to the TDR. In 2017, 37<sup>1</sup> carriers operating at AAS could operate from LA under the scope of the TDR (not including market players that operated fewer than ten flights in 2017 that could be conducted from LA).

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<sup>1</sup> The list of destinations will be updated when data over 2018 will become available.