

WIJ **W**ILLEM **A**LEXANDER,  
BIJ DE GRATIE GODS,  
KONING DER NEDERLANDEN,  
PRINS VAN ORANJE-NASSAU,  
ENZ. ENZ. ENZ.

We Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Oranje-Nassau, etc. etc. etc.

**Decree of [date] to determine rules for the distribution of air traffic between Amsterdam Airport Schiphol and Lelystad Airport (Decree traffic distribution between the airports Schiphol and Lelystad)**

On the recommendation of the Minister of Infrastructure and Water Management of, No. IenM/BSK-, Administrative and Legal Affairs Department;  
Having regard to Regulation (EC) No 1008/2008 of the European Parliament and the Council of 24 September 2008 on common rules for the exploitation of air services in the Community (PbEU L 293/14) and article 8a.52 of the Act on Aviation;  
After hearing the Department advice of the Council of State (advice of, No.);  
With regard to the further report of the Minister of Infrastructure and Water Management of, No. IenM/BSK-, Administrative and Legal Affairs Department;

Have approved and decreed:

**§1. General provisions**

**Article 1**

For the purpose of this decree the following terms shall have the following meanings:

*scheduling period*: scheduling period as intended in article 2 of Council Regulation (EEC) No. 95/93 of 18 January 1993 concerning communal rules for the allocation of «slots» at community airports (Pb L 14);

*Our Minister*: Our Minister of Infrastructure and Water Management;

*position flight*: flight from an airport without passengers or freight in order to carry out a flight with passengers or freight from the next airport;

*government flight*: flight for the benefit of heads of state or government officials, or by their orders;

*slot*: slot as intended in article 2 of Council Regulation (EEC) No. 95/93 of 18 January 1993 concerning communal rules for the allocation of «slots» at community airports (Pb L 14);

*narrow-body aeroplane*: aeroplane with one aisle.

## **§2. Amsterdam Airport Schiphol**

### **Article 2**

1. It shall be prohibited to airlines to start a flight from Amsterdam Airport Schiphol to destinations which are designated by ministerial regulation as leisure destinations.
2. Criteria for the designation of leisure destinations will be determined by ministerial regulation.
3. The designation of destinations pursuant to paragraph 1, will not be determined before the draft has been published in the Dutch Official Gazette (*Staatscourant*), and everyone has been offered the opportunity to inform Our Minister of wishes and objections within four weeks after the day on which notice was served.

### **Article 3**

1. In the slots which have been released pursuant to article 2, exclusively the flights which will be determined by ministerial regulation, will be carried out.
2. A slot will be considered to be released pursuant to article 2 if the same slot was used in the previous corresponding scheduling period for a flight to a leisure destination designated pursuant to article 2 during the periods of the day as referred to in article 4, paragraph 1, sub a.

### **Article 4**

1. It will be determined by ministerial regulation:
  - a. during which timeframes during the day article 2 applies;
  - b. in which order the timeframes referred to under a, can be determined.
2. In the application of paragraph 1, sub a, the available capacity at Lelystad Airport will be taken into account.
3. If there is not enough capacity available at Lelystad Airport to apply article 2 during a whole timeframe, parts of a timeframe can be designated.
4. In the application of paragraph 3 the scarcity at Amsterdam Airport Schiphol will be taken into account.

### **Article 5**

Article 2 only applies to flights which are carried out with narrow-body aeroplanes.

### **Article 6**

1. Airlines will provide Our Minister, at the latest two months after a scheduling period has ended, with the data which show to which destinations flights have been carried out in that scheduling period in each of the slots which come within the periods of the day referred to in article 4, paragraph 1, sub a.
2. By way of derogation from paragraph 1, the data for the scheduling periods of 2017 and 2018 will be provided to Our Minister at the latest two months after the entry into force of this decree.

## **§2. Lelystad Airport**

### **Article 7**

1. Airlines will exclusively start flights from Lelystad Airport to destinations which have been designated as leisure destinations pursuant to article 2, paragraph 1.
2. Notwithstanding paragraph 3, the operator will only make capacity at Lelystad Airport available to airlines insofar:
  - a. an airline, during the period referred to in article 4, paragraph 1, sub a, used slots to carry out flights to designated leisure destinations pursuant to article 2, paragraph 1, at Amsterdam Airport Schiphol, during the previous corresponding scheduling period;
  - b. these slots are subsequently not used by the airline; and
  - c. the airline has made known a request for capacity to the operator of Lelystad Airport, not later than six months prior to the execution of the flight.
3. If, after application of paragraph 2, any capacity remains within a scheduling period, the operator of Lelystad Airport may make that capacity available to airlines insofar they have relinquished historical slots at Amsterdam Airport Schiphol, which were used during the previous corresponding scheduling period for flights to designated leisure destinations as referred to in article 2, paragraph 1.
4. To the capacity which airlines have acquired by virtue of paragraph 2 and 3 the rules with respect to historical rights from the slot regulation will apply accordingly.
5. By way of derogation from paragraph 2, subsection c, companies may request capacity until 1 April 2019, not later than two months beforehand.

### **Article 8**

Article 7 does not apply to:

- a. position flights;
- b. emergency and precautionary landings;
- c. flights for the purpose of rescue operations or the provision of aid;
- d. flights for the purpose of maintenance, repair and renovation;
- e. government flights;
- f. military flights.

## **§3. Final provisions**

### **Article 9**

The provisions pursuant to this decree shall apply accordingly if destinations serve as departure points for flights.

### **Article 10**

This decree will enter into force as of 1 April 2019 in case the market approach of Schiphol Group has not produced the intended effect.

### **Article 11**

This decree will be cited as: Decree traffic distribution between the airports Schiphol and Lelystad.

We order and command that this decree together with the relevant explanatory memorandum shall be published in the Bulletin of Acts and Decrees (*Staatsblad*).

THE MINISTER OF INFRASTRUCTURE AND WATER MANAGEMENT,