

Explanation by article

Article 2

By virtue of article 2 it is prohibited to carry out flights to the destinations which will be designated by ministerial regulation. It is important to read this article in conjunction with article 4. That is to say the prohibition only applies during the periods which will be determined by ministerial regulation. Otherwise this prohibition does not include an obligation to relinquish slots. Airlines are free to (continue) to use the slot in line with this decree.

Article 3

During the designated time periods no more flights may be carried out at Schiphol to leisure destinations, which could be carried out before. Capacity is therefore as it were released as a result of that prohibition. The goal of this traffic distribution rule is to create capacity for intercontinental traffic and the traffic which "feeds" this intercontinental traffic. For that reason the released capacity will be reserved for these kinds of traffic. Capacity will be considered to be released, if the slot at Schiphol was used for a designated leisure destination in the previous corresponding scheduling period.

Article 4

Article 4 contains the basis to determine by ministerial regulation the periods of the day within which the prohibition applies. In determining those periods, the available capacity at Lelystad must be taken into account for by virtue of paragraph 2. After all, there will not be enough capacity at Lelystad as of the opening to relocate all flights from Schiphol.

To offer clarity on the growth path, it has also been determined in article 4, paragraph 1, subsection b, that the order in which the time periods are determined, will be set by ministerial regulation.

Finally the circumstance has been allowed for that there are too many aircraft movements in a time period at Schiphol to be able to relocate it in its entirety. That is why it is also possible to opt for smaller time intervals of, for instance, an hour. It has been determined in paragraph 4 that in doing so the scarcity at Schiphol will be allowed for. It follows from this that within a time period those periods will first be designated where scarcity is most acute.

Article 5

The basic assumption of the traffic distribution rule is that only those flights will be prohibited at Schiphol, which can subsequently find a place at Lelystad. The runway at Lelystad can not accommodate the so-called wide-body aircraft. For that reason these aircraft will be excepted from the effect of the traffic distribution rule. This decree thus only applies to flights which are carried out with narrow-body aircraft.

Article 6

The utilisation of the slots during the periods of the day which come under the effect of the traffic distribution rule, is very important. Those flights must be carried out in accordance with the traffic distribution rule. To have this information available in a timely fashion, this article makes it compulsory that airlines supply this information, no later than two months after the end of a scheduling period. For the scheduling periods in 2017 and 2018 it has been arranged in paragraph 2 that this information must be provided two months after the decree comes into force.

Article 7

Article 7 concerns Lelystad. First of all it has been determined that the only flights that may be carried out at Lelystad are to destinations which have been designated as leisure destinations by virtue of article 2, paragraph 1. The flights to these destinations are prohibited at Schiphol (during the designated periods). The purpose is that these flights are carried out from Lelystad instead. It is important that the entire time that the airport is open, may be utilised. Airlines therefore may, if that is desirable for their operation, select another time of day at which to carry out their flight at Lelystad. They do not have to restrict themselves to the periods within which the prohibition at Schiphol applies.

In the second place the capacity at Lelystad is reserved for airlines which used to carry out their flight to a leisure destination from Schiphol, during the period to which the prohibition at Schiphol (article 2) refers, and which have relinquished the slot concerned. This method has been chosen to guarantee that airlines which no longer utilise the capacity at Schiphol, are actually able to obtain capacity at Lelystad. It must be prevented that airlines are prohibited from carrying out certain flights at Schiphol, and subsequently can not have capacity at Lelystad either. That would be at odds with the basic principle of the traffic distribution rule. The article works in such a way that an airline gets capacity at Lelystad instead of capacity which is relinquished at Schiphol. In doing so there will be no more capacity given out at Lelystad than there has been capacity relinquished at Schiphol.

It is possible that some capacity remains at Lelystad after application of the above. This may be caused by airlines for instance not relinquishing their slot at Schiphol, but deciding to utilise it in another way, or entirely abandoning the execution of the flight concerned (either from Schiphol or from Lelystad).

To prevent any capacity at Lelystad remaining unutilised, the operator is allowed to distribute the remaining capacity to companies which relinquish historic slots in other periods of the day at Schiphol. The important difference is that this is a completely voluntary choice for those airlines. After all, the prohibition does not apply to those periods of the day. However, the capacity is reserved for airlines which used their slot at Schiphol for a flight to a designated leisure destination. After all, Lelystad is reserved for the leisure traffic which originates from Schiphol.

It is important that the airlines have a prospect of several years. In other words: the capacity they obtain must also have significance in subsequent years. For that reason it has been determined that the rules relating to historic rights from the slot regulation, apply equally to the capacity which airlines have obtained at Lelystad. That means in short that when an airline utilises the capacity at Lelystad for at least 80%, that airline will have the right to that same capacity in the following year.

Article 8

Certain kinds of flights are excepted from the prohibition to only fly to designated leisure destinations at Lelystad. Those flights may therefore enter Lelystad without conflicting with the traffic distribution rule.

Article 9

In this article it has been determined that the provisions of this decree apply accordingly if a destination functions as a point of departure. For the sake of legibility and comprehensibility the choice has been made to formulate the provisions in the entire decree with a view to flights to destinations. The traffic distribution rule also works in reverse. So a flight *from* a designated "destination" to Schiphol or Lelystad comes equally under the prohibition.

Article 10

With respect to the entry into force, the date of 1 April 2019 follows the opening of Lelystad Airport.

THE MINISTER OF INFRASTRUCTURE AND WATER MANAGEMENT,