

FINAL DRAFT - September 2025

## **Revision of the EU Slot Regulation (Council Regulation (EEC) No 95/93, as amended)**

European Business Aviation views

### **Introduction**

The European Business Aviation Association (EBAA) calls for targeted amendments to the EU Slot Regulation to ensure fair and proportionate access for business aviation to congested airports. While the Regulation aims to optimise airport capacity and maintain competition, the application of it by the Member States systematically disadvantages non-scheduled operators, undermining the flexibility, connectivity, and societal contributions of business aviation, including clarifying rules and guidelines on urgent medical and humanitarian missions.

### **Background**

The EU Slot Regulation sets the rules for allocating take-off and landing rights, where demand outstrips available capacity. Under the current system, slots are allocated by independent coordinators based on historic precedence, with the “use-it-or-lose-it” rule requiring 80% utilisation to maintain rights in the following season. While this model suits scheduled carriers operating fixed timetables, it is poorly adapted to the needs of business aviation, which is inherently demand-driven and often planned at short notice.

Although the Regulation includes non-discrimination clauses, the absence of specific provisions for business aviation means that in practice, business aviation is squeezed out of congested airports by airlines that can more easily meet utilisation thresholds. Limited “new entrant” measures and the possibility of secondary trading do little to address this imbalance, particularly given the scarcity of available slots at selected airports. Furthermore, flexibility for emergency or humanitarian operations is inconsistently applied across Member States, leaving operators uncertain about whether they will be able to secure slots when minutes matter.

### **Challenges for Business aviation**

The existing slot allocation framework places business aviation at a systematic disadvantage. The 80% utilisation threshold is unrealistic for operators whose schedules fluctuate with client needs and market conditions. This creates a cycle in which business aviation loses access to congested airports, further limiting its ability to serve time-sensitive missions and high-value point-to-point connections. The lack of harmonised procedures for emergency and humanitarian flights exacerbates the problem, with critical operations such as organ transport or patient evacuations sometimes delayed or blocked due to unclear allocation processes. The combined effect is a regulatory

environment that treats business aviation as an afterthought, despite its economic, societal, and connectivity benefits.

## Ensuring fair access for business aviation

EBAA believes that the revised Slot Regulation must embed fair, proportionate, and predictable access for non-scheduled operators. This includes creating a dedicated allocation mechanism at congested airports that reserves a share of slots for business aviation where they do not operate according to a schedule, with flexible reallocation to other users if unused.

The utilisation rule for these operators should be adapted to reflect operational realities, ensuring that slot access is not tied to unrealistic thresholds. Provisions for emergency and humanitarian flights should be codified and harmonised, obliging coordinators to prioritise such requests through a rapid-response process that works consistently across the EU.

Finally, transparency and accountability in slot allocation decisions must be strengthened, with coordinators required to justify decisions and report annually on how non-scheduled needs are met.

## Let's work together

EBAA is committed to working closely with the European Commission to ensure that business aviation's essential role in Europe's air transport system is recognised and protected

Business aviation is an essential component of Europe's air transport system, contributing to regional cohesion, economic competitiveness, and public interest missions. Reforming the EU Slot Regulation is not about granting special treatment, but about recognising operational diversity and ensuring that Europe's busiest airports remain accessible to all legitimate users.

By integrating proportionate rules for non-scheduled operations and safeguarding urgent flights, the EU can create a slot allocation system that is both fair and efficient, benefitting the entire aviation ecosystem.

[See our \*\*policy manifesto\*\* for the EU Institutional Term 2024 – 2029](#)

[See more information on the \*\*business aviation industry in Europe\*\*](#)

### Contacts:

- Mr. Róman Kok, EBAA Director of Public Affairs & Communications: [rkok@ebaa.org](mailto:rkok@ebaa.org), +32 488 39 19 79

- Mrs. Melissa Capizzi, Manager, Operational Affairs: [mcapizzi@ebaa.org](mailto:mcapizzi@ebaa.org)

## About EBAA

The European Business Aviation Association (EBAA) is the leading organisation for operators of business aircraft in Europe. Our mission is to enable responsible, sustainable growth for business aviation, enhance connectivity and create opportunities. EBAA works to improve safety standards and share knowledge, to further positive regulation and to ease all aspects of closely tailored, flexible, point to point air transportation for individuals, governments, businesses and local communities in the most time-efficient way possible. Founded in 1977 and based in Brussels, EBAA represents +700 members companies, corporate operators, commercial operators, manufacturers, airports, fixedbased operators, and more, with a total fleet of +1,000 aircraft.

Follow us on [X](#), [LinkedIn](#), [Instagram](#) and [Facebook](#), or visit our website on [www.ebaa.org](http://www.ebaa.org).

## Appendix A: case study on discriminatory effects in slot allocation

DBAA and ASL Group v the State of the Netherlands, ACNL and Eindhoven Airport  
(District Court of North Holland, 20 June 2025)

### Why this case matters

This judgment shows how the current slot framework, although formally neutral, can produce a *de facto* exclusion of non-scheduled business aviation at a coordinated airport. By strictly applying the existing Regulation, the court accepted an outcome in which business jets effectively lose access once historical rights and airline-centric priority rules dominate capacity. This directly illustrates the problem described in our position paper and underlines the need for proportionate access provisions for non-scheduled operations.

### Factual background in brief

- Parties: ASL Group and JetNetherlands, together with the Dutch Business Aviation Association, brought summary proceedings against the State, Airport Coordination Netherlands and Eindhoven Airport.
- Airport context: Eindhoven is a military airport with civil use and a cap of 41,500 civil movements per year. It is slot coordinated under EU rules.
- Historical practice: since 2016, the airport operated a prior permission required scheme that reserved about 1,560 annual movements for general and business aviation outside the formal slot declaration. This was known to the coordinator.
- Change announced: in 2023 the airport stated the scheme would end on 1 January 2026. A transition applied from 30 March 2025 with sharply reduced GA/BA availability, after which no separate GA/BA capacity would be reserved. In practice, both Eindhoven based and visiting aircraft, as well as local GA/BA activities would be left without workable access.

### The court's key findings

- Full application of the Slot Regulation: all capacity must be declared and allocated by the independent coordinator. Priority rules and historic precedence favour scheduled airlines and GA/BA does not accrue historical rights.
- Local rules are narrow: local rules cannot carve out capacity for GA/BA or override coordinator independence. They may only refine allocation of residual capacity, not set aside a dedicated share in advance.
- Transition was lawful: the phased reduction and notice period were considered reasonable. The balanced approach on noise was inapplicable given that the number of movements at Eindhoven Airport are below the regulatory threshold.
- All claims were rejected: the court has not imposed the continuation of the airport's GA/BA reservation or a similar arrangement.

### What this demonstrates about discriminatory effects in practice

- Structural disadvantage for non-scheduled operators: because historical rights and 80 percent utilisation are geared to fixed timetables, non-scheduled operators cannot build up slot portfolios. At Eindhoven, removal of the airport-run GA/BA reservation, combined with priority for scheduled carriers at this slot scarce airport, results in an effective exclusion of business jets.
- Formal neutrality, unequal outcomes: the rules are facially neutral yet they yield systematically worse access for GA/BA where scarcity exists. The court recognised the mechanics but could not remedy them within the current legal text. This is a textbook example of indirect discrimination by effect, not by intent, and it aligns with the concerns set out in our paper.

### Policy implications for the EU revision

This case confirms that European-wide coordinators and courts will have to continue to apply the Regulation as currently written, even if it eliminates workable access for non-scheduled aviation. To avoid repeat situations across Europe's busy airports, the revised framework should:

1. create an explicit, proportionate access mechanism for non-scheduled operations within the declared capacity, administered by the coordinator with transparent criteria, and with flexible reallocation if unused, as advocated in our paper.
2. adapt utilisation requirements for non-scheduled operations so slot retention is not tied to unrealistic thresholds that only scheduled carriers can meet.
3. codify a rapid, harmonised prioritisation for urgent medical and humanitarian flights, with clear publication duties on how such needs are met.
4. permit narrowly tailored local rules that can reserve a modest, reviewable share of capacity for non-scheduled access at persistently constrained airports, while preserving coordinator independence through transparent oversight. The Eindhoven ruling shows that, without such a legal basis, coordinators cannot protect access even where the practical effect is exclusion.

### Take-away

The Eindhoven judgment is clear. Under today's rules, coordinators must prioritise scheduled operations and cannot ring-fence capacity for business aviation, even when the real-world result is that GA/BA operations are squeezed out. The revision must therefore address this structural imbalance to ensure fair and predictable access for all legitimate users of coordinated airports.

*This appendix should be read alongside the main EBAA recommendations on fair access and emergency mission safeguards in the revised Slot Regulation*