

- air carriers cannot use more than 50% of its seasonal capacity in the third- and fourth-freedom service to or from which the fifth-freedom service extends;
- air carriers supply to Member States involved all relevant data concerning seasonal third- and fourth-freedom operations to or from which fifth-freedom services extend, as well as seasonal capacity on such services.

The liberalisation of market access, however, is made subject to a number of conditions. First, Member States retain the right to regulate, albeit without discrimination on grounds of nationality, the distribution of traffic between or among airports within an airport system (i.e. Heathrow, Gatwick, Stansted). Second, notwithstanding the qualified open third- and fourth-freedom operations, the exercise of traffic rights is subject to established Community, national, regional or local rules regarding safety, protection of the environment and not least the allocation of slots. Airports should also have necessary facilities and navigational aids to accommodate scheduled services. Where such conditions are not met, Member States may impose conditions on, limit or refuse such operations, but must advise the Commission and provide required data. Third, pending the institution of a Community code of conduct on slot allocation, a Member State shall not authorize, except with the agreement of the other Member State(s) concerned, a new service or increase frequencies on an existing service so long as a carrier licensed in