

Brussels, March 17th 2022: As IATA Winter 2021 scheduling season is coming to an end, it seems appropriate to respond to the claims made by ACI Europe about the “protection” that airlines have been given by the European Commission and the *Delegated Act* that lowered the slot utilisation threshold to 50/50 instead of pre-pandemic 80/20.

Firstly, it seems imperative to explain the term “*Ghost Flight*” in relation to the current debate and to clarify that too often in recent months, the term has been used to create sensation and public outcry. The use of this term suggests that these flights are empty, whilst in reality they are not – they are however operating with load factors below desirable levels, and this is exactly where the problem is. Under current legal framework, airlines are not offered enough flexibility in terms of being able to adjust the capacity to the demand (or they are, but will be penalised for it by losing their historical slots).

AIRE, together with multiple other airline associations, has advocated for a reasonable utilisation threshold and represents the position that the EC proposal, which was effectively adopted, was over-optimistic (although admittedly much more helpful than no-*Waiver* at all). As much as we appreciate and support competition, the legal framework, in which we have found ourselves in this scheduling season, is to a degree against the original principles of adopting the *Slot Waivers* in the first place. Initially they were to support airlines’ and airports’ flexibility in planning, to protect the environment and to promote competition and restoration of air travel by allowing new carriers to enter new markets, whenever they were ready to do so – the current provisions only guarantee the above in a very limited manner. This is particularly true given the limited applicability of JNUS, which only cover “*hard*” restrictions, but do not consider “*soft*” restrictions that also heavily impact air travel and Passengers’ willingness to fly.

Additionally, we must deconstruct the concept that slots are somewhat independent of each other. Particularly for the hub carriers and hub airports, slots must be viewed as a system of interlinked pieces that form airlines’ entire network systems and a “*hard*” restriction on one end of an A-B-A route may be recognised as qualifying for JNUS, but it may also have a detrimental effect on point C, from which the particular airline is feeding that long-haul flight. And that A-C-A connection cannot be exempted under the same JNUS provisions as flights between A and B, where the restrictions exist, effectively requiring an airline to operate said route.

It is absolutely true, that the European Commission has offered support to the industry, but it has not viewed the problem in its entirety and therefore the *alleviation* and flexibility provided can only be used to a very limited extent. The Commission must look past the Eurocontrol ATM numbers and pay more attention to the Passengers carried as a true indicator of the traffic’s rebound.

The message this paper carries is even more important now, as the *Delegated Powers* of the European Commission have expired, and the industry is not ready for the full return to normalcy starting with IATA Winter 2022 Season. In order to aid our healing industry and to support our aviation’s sustained profitability and commitment to the environment, on behalf of AIRE Members, we ask the Commission to, at the very least, extend the *slot alleviation* measures through Winter 2022 season and to review the applicability of JNUS.

On behalf of AIRE,
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Director General