

Memory Jogger

IATA approaches towards EU (including DCC and Sustainability)

- In a short time [REDACTED] has built very good relations with us, we see a clear and very useful change in the lobbying approach of IATA towards EU.
- IATA has been very vocal in their support for the EU DCC at global level (see press release in the background). This stems inter alia from the good cooperation between COM and IATA over the summer to ensure that the EU DCC can be read by the IATA application.
- Your meeting is an opportunity to emphasise the good cooperation with IATA and appreciate the call of your interlocutor for the EU DCC to become the global standard (NB: [REDACTED] is quoted in the press release).
- A key element to reach this objective will be to ensure the use of the EU DCC in the transatlantic market. [REDACTED]
[REDACTED] who are currently seeking input developing a system for handling transatlantic traffic post-travel ban.
- US authorities will likely heavily rely on airlines to implement such system. The EU DCC, with close to half a billion certificates issued to date, can ensure a smooth and standardised verification and as such a smooth recovery of transatlantic market which is important for industry and passengers alike.
- When the US will lift the current restrictions of the 212f proclamation in early November, it will be important to ensure a smooth operationalisation of the vaccination/testing checks.
- This should be done prior to departure, off-airport, ideally during the airline online check-in, and without additional checks on the spot by the US authorities.
- The US is currently developing its system, which will likely heavily rely on airlines for the implementation.
- The EU DCC contains all the necessary information and will be the easiest way to implement the checks for airlines.
- On sustainability, IATA is critical to RefuelEU aviation, considering that the EU should regulate only intra-EU routes.
- They are also very critical on the EU proposal to implement CORSIA, which they are likely to contest and against which they actively lobby.

AGM

The IATA general meeting will take place in Boston on 4 October. IATA sent us an advance copy of [REDACTED] speech (Annexed), containing the main messages:

- Reopening travel is absolutely necessary for going back to a normal world
- Industry efforts praised; they contributed to restoring confidence in flying

- Strong criticism against the response of governments, who took disproportionate measures
- Appreciation to the EU DCC, but dismay at the way MS implement a patchwork of measures.

HLCC

- IATA agrees it is a very important and timely event, giving the opportunity to all ICAO states to make clear their support for the recovery of international aviation.
- We need to go out of the HLCC with a strong political declaration, which will ensure we have a common global understanding of the operational steps which are needed for a thorough recovery, and also on the need to Build Back Better and send a powerful message on sustainability.
- IATA should support reference to sustainability
- We are in contact to ensure mutual support of our Working Papers in HLCC. We will have a meeting towards end of the week

Defensives

Sustainability

The Fit for 55 proposal on ETS puts in doubt the EU's commitment to CORSIA – are you still a supporter of CORSIA?

Yes, definitely. We really want to see CORSIA becoming successful in relation to the goal of Carbon Neutral Goal from 2020. This requires a high level of participation and robust environmental integrity. The Commission's proposal is designed to promote both these conditions and counter potential weaknesses in CORSIA. The fact that we propose to maintain our current emissions trading system for intra-EEA flights (and departures to the UK and Switzerland) is a reflection of our higher climate ambition in the EU and is fully in line with the statement delivered at the last Assembly so it shouldn't come as a surprise. In aviation, the EU is a single jurisdiction as regards many policies that are widely accepted (market access, ownership and control, single aircraft certification, third country operators, blacklist, etc).

Slots

What is COM's approach to slot relief for W21/22 and S22?

- The objective of the EU slot relief is to, on the one hand, provide airlines with the alleviation of the usual 80/20 rule given the ongoing impact of the COVID-19 pandemic and, on the other hand, ensure that airport capacity is used efficiently for the benefit of EU consumers;

- For the W21/22 scheduling season, COM will extend the slot relief under a DA (adopted in July; still under EP and Council scrutiny until 2nd half of October; publication before the start of W21/22 season).
- W21/22 slot relief:
 - 50% use rate
 - Justified Non Use Exceptions (force majeure – especially relevant for long-haul flights as the rate of recovery differs worldwide and slot coordinators can take this into account);
 - There will be no possibility for an early hand-back of slots (this was possible for S21).
- In line with the empowering Regulation, the W21/22 slot relief is based on Eurocontrol air traffic forecasts, stakeholder data (forward bookings, fleet utilisation rates, number of flight cancellations, etc.).
- COM is currently assessing the need to extend the relief for S22. As for W21/22, COM will follow evidence-based approach and data is currently gathered. A potential DA would need to be adopted by the end of the year. There is no decision yet.

EES/ETIAS

Together with a broad global aviation industry alliance, we jointly called upon the Commission to extend the deadline for implementing the Entry-Exit System by 6-8 months. Do you intend to do this?

- First of all, thank you for the joint industry letter of 6 September 2021. The Commission takes your concerns very seriously.
- I am pleased to hear that IATA is supportive of the European Union's efforts to modernise its external border management, help combat terrorism and serious crime while guaranteeing the free movement of people within the Schengen area.
- In accordance with the Entry/Exit Regulation, it is indeed the European Commission that decides on the date on which the Entry/Exit System will start operations. However, the Commission will only take such a decision following a declaration of each Member State that they are ready. It is the Member States collectively in the Council that sets the political ambition as to when they should be in a position to declare such readiness.
- I have taken good note of your comments and concerns with regard to Member States' preparedness, the cost of equipment, space constraints at airports, pre-departure processes and your concerns in case the EES were to be implemented during a summer peak travel period.

What is the Commission doing to monitor the efforts being made by Member States?

- Let me assure you that we are in regular contact with all Member States and are we are monitoring their preparedness very closely. We have intensified our messages to Member States that they need to ensure border crossing points are ready in time.

How can we get involved in the process?

- I am pleased to inform you that DG HOME and DG MOVE will organise a high-level meeting with you in the near future to discuss all these aspects in details. We will also involve the two EU Agencies concerned, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the European Border and Coast Guard Agency (Frontex). This will be a good opportunity for you again to make your views heard.

Pay as you Fly

- In June 2021, the European Court of Auditors published a Special Report on “air passenger rights in times of COVID-19”. As regards insolvency protection, the Commission is invited to act, where appropriate with legislative proposals to ensure that passengers are reimbursed within seven or fourteen days, even in times of crisis. Among several alternatives, the ECA mentions also:
 - [On “pay-as-you-fly”] reducing the need for reimbursement by restricting the ability of airlines and package organisers to seek pre-payment at time of booking;
 - On this idea, raised by some consumer associations, there is no consensus at all, and we are aware about the position of IATA on it.
 - From Member States we have not heard much yet on this issue, but we heard (from the *German Ministry of Justice and Consumer Protection*) that there is also scepticism whether this is a feasible approach because it might increase ticket prices considerably.
 - Like other options, it has to be assessed thoroughly, in the scope of the forthcoming impact assessment, and need therefore robust information and data from IATA to explain your position on it.
 - My services are also in close contact with DG JUST on this matter, also in connection with the review of the Package Travel Directive to find a coherent approach on this matter.

Contacts:

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