



*"[air navigation control, [...]] is a task involving the exercise of public authority and is not of an economic nature, since that activity constitutes a service in the public interest which is intended to protect both the users of air transport and the populations affected by aircraft flying over them".*

*(Extract of decision C.364/92 of the European Court of Justice).*

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## **Extending slot-waiver undermines competition and EU Citizens' rights**

IATA's request to extend the "Slot-waiver", implemented with **REGULATION (EU) 2020/459 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 March 2020 amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports** could become, if accepted, another step of the European Commission in protecting Airlines' interests at any cost, also harming EU Citizens' basic rights and fair competition among airspace users.

The Regulation, issued while the outbreak was at its peak, considers all slots allocated for the period from 1<sup>st</sup> March 2020 until 24<sup>th</sup> October 2020 as having been operated by the appropriate Airline. This was in the spirit of reducing problems for the Airlines, enabling them to avoid operating empty flights just to maintain the slot allocation and ATCEUC agrees it was reasonable at the time.

Now Airlines, notwithstanding the slow but continuous returning to a "Normal operations" status earlier than it was forecast when the Regulation was issued, are requesting to extend the same rule till the end of next winter season (end of March 2021).

If this request is endorsed by the European Commission, the possibility for the Airlines to amend their schedule will increase to a point they could make last-minute cancellations, without giving any explanation, while passengers and freight could be left without any alternative to reach the planned destination. This is against the Principles solemnly proclaimed by the European Parliament, the Council and the Commission in the Charter of Fundamental Rights of the European Union, in particular against:

### **Article 45 - Freedom of movement and of residence**

#### **1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.**

and

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## **Article 38 - Consumer protection**

### **Union policies shall ensure a high level of consumer protection.**

In addition, this possibility would be against the hoped-for fast recovery of air traffic figures, as it will inevitably block available airlines from utilising allocated but unused slots, thus restricting free and fair competition.

Finally, it is against the constantly invoked principles of cost-efficiency in Air Traffic Management (ATM), where Air Navigation Service Providers (ANSPs) are asked to tailor the provision of Services to the "actual" demand. This demand could be drastically altered at the last moment by Airspace users who choose to cancel or change any number of flights, at a time when infrastructures and human resources to provide ATM services would have been already deployed while they should be carefully used to safely serve the highest number of flights.

For these reasons ATCEUC requests that the European Institutions reject the Airlines' demand, as it blatantly contradicts the wise approach expressed by ACI EUROPE in its Press release of June 17<sup>th</sup> for:

- An evidence-based approach in deciding;
- The protection of EU citizens, both passengers and freighters, from last-minute cancellations;
- The issuing of clearly stated binding rules to avoid Airlines to manipulate the market requesting and not using newly-allocated slots, with the purpose to block access to local markets to different competitive actors;
- A prompt while temporary redistribution of slots allocated to airlines who suspend services.

ATCEUC will continue to advocate for the best possible ATM service to passengers and all airspace users, while supporting the ANSPs to overcome this crisis.