AIRPORTS COUNCIL INTERNATIONAL

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Director General

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Mr Michel Barnier
Chief BREXIT Negotiator
TF 50
European Commission
Rue de la Loi, 200
1049 Brussels
BELGIUM

Dear Mr Barnier,

ACI EUROPE has closely followed the Brexit negotiations since they started 12 months ago. We have been liaising with your team, providing data regarding the extensive benefits of the Single Aviation Market for both EU27 & UK airports and conveying the common position of the European airport industry. This has involved analysing the connectivity and wider economic impacts of the different possible scenarios for the future aviation relationship between the EU27 and the UK – as well as ensuring that the risks involved by a no-deal scenario for airports and their communities on both sides are well understood.

At this point in time – 9 months before the UK becomes a third country and taking into account:

i) the lack of definitive progress on the Withdrawal Agreement, and
ii) the continued uncertainties regarding not only the future (post-transition) aviation regime between the EU27 and the UK, but also the move towards a transition period based on the status quo as of 30 March 2019,

Europe's airports consider that - as a matter of urgency - there is now a need for both the EU27 and the UK to develop and agree on adequate contingencies for aviation should a no-deal scenario materialise.

While these contingencies will need to cover the whole spectrum of the aviation relationship between the EU27 and the UK, I would like to draw your attention on the direct impact of a no-deal scenario on the continuation of air services between the EU27 and the UK as well as on the security regime at EU27 airports.

1. Preserving "essential air connectivity"

As repeatedly stated, ACI EUROPE considers that today's levels of air connectivity and associated economic benefits are a direct result of the Single Aviation Market.

ACI EUROPE has welcomed previous statements from TF50 that in the case of a no-deal scenario, "essential air connectivity" would need to be safeguarded through ad hoc contingencies. However, what exactly would be considered "essential air connectivity" remains to be defined. Providing for adequate contingencies therefore requires a clarification and explanations as to what "essential air connectivity" would involve in particular for market access (traffic rights) and airline ownership & control rules.

As regards traffic rights in particular – and considering that today's levels of air connectivity and associated economic benefits are a direct result of the Single Aviation Market:

i) Would "essential air connectivity" be limited to 3rd & 4th freedom rights for passenger/cargo or could it go further than that – especially for cargo?
ii) Would the exercise of those traffic rights included under the scope of "essential air connectivity" be uncapped/unrestricted – ie. open routes & designation and unlimited frequencies & capacity?

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Providing adequate contingencies also requires the identification of the legal instrument which can be used to achieve the goal of preserving essential air connectivity. Such instrument will need to provide the necessary flexibility to apply as of 30 March 2019.

Providing such clarity & explanations at the earliest is now required to allow the aviation industry to be prepared and anticipate the impact of a no-deal scenario. As repeatedly indicated by ACI EUROPE and other aviation industry stakeholders, air route network planning takes place up to 2 years in advance (sometimes even more).

2. Security checks at European airports ('One stop security')

Regulation (EC) No 300/2008 sets out common basic standards for aviation security in the European Union (including EEA and Switzerland) "*in order to protect persons and goods within the European Union, acts of unlawful interference with civil aircraft that jeopardise the security of civil aviation should be prevented by establishing common rules for safeguarding civil aviation. This objective should be achieved by setting common rules and common basic standards on aviation security as well as mechanisms for monitoring compliance.*"[1]

Regulation (EC) No 300/2008 sets out [2] "*the goal of 'one-stop security' for all flights within the European Union should be advanced.*" One stop security means that today, an air passenger travelling from a UK airport to an airport located in another EU/EEA State & Switzerland, and then transferring at that same airport to another flight directed to a third airport (both in the EU/EEA & Switzerland and outside) does not require security re-screening at the transfer airport.

Regulation (EC) No 300/2008, coupled with the Schengen Agreement, means that there is freedom of travel across the EU/EEA & Switzerland (for those countries that are party to both EU regulations and the Schengen agreement). As a result, most EU/EEA & Swiss airports[3] and airlines have based their business model on accommodating the free and seamless flow of passengers to the great advantage of those passengers – allowing for smoother journeys, shorter connection times at EU/EEA & Swiss hubs and no second security screening for connecting passengers originating from the EU/EEA & Switzerland and connecting at an EU/EEA & Swiss airport.

In case of a no-deal scenario, assuming UK originating air passengers would still be able to fly to the EU27/EEA & Switzerland (3rd & 4th freedom traffic rights maintained), all such passengers transferring at EU27/EEA & Swiss airports onto other flights would thus need to go through security screening at their EU27/EEA & Swiss transfer airport.

The volumes of UK originating passengers transferring at EU/EEA & Swiss airports onto other flights are significant. For example:

- Amsterdam-Schiphol: 2.5 million passengers/year.
- Madrid/Barcelona: over 1 million passengers/year.
- Keflavik: 326.355 passengers/year
- Munich: 215.000 passengers/year.
- Brussels: 200.000 passengers/year.
- Zurich: 125.000 passengers/year.
- Copenhagen: 108.000 passengers/year.
- Helsinki: 60.000 passengers/year.

Forcing these passengers to undergo security checks at these airports would entail the following negative consequences:

i) These airports would need to purchase additional security equipment and deploy additional security & service staff at significant costs for airlines and airports and ultimately passengers.

.../...

[1] Whereas (1)
[2] Whereas (20)
[3] Some EU27/EEA & Swiss airports are currently not able to implement 'One Stop Security' due to the layout of their facilities – this is notably the case of Paris-Charles de Gaulle. This could change in the future.

ii) These airports would need to change passenger flows – which could require significant and expensive terminal infrastructure modifications. For example, Amsterdam-Schiphol would need to build a third level at its D Pier at an estimated cost of €100 million. The planning/construction works would take 3 years to complete. In the meantime, the airport would need to use transfer buses for all UK originating flights, resulting in significant operational inefficiencies (including costs) and highly degraded quality of service with spillover effects beyond UK originating flights. Amsterdam-Schiphol's current fleet of 21 transfer buses would need to be increased to 381 buses – yet the airport layout and roadways could not accommodate this number of buses and this would cause major disruption.

iii) These airports could be required to change parking/gate allocation for UK originating flights (where feasible) - which could incur operational inefficiencies, costs and loss of operational capacity.

iv) UK originating passengers would have less dwelling time at these airports when transferring onto their next flight, resulting in a negative impact on these airports' commercial revenues (retail and food & beverage).

v) Greater risk of missed connections for UK originating passengers at these airports, resulting in additional costs for the airlines carrying these passengers. Minimum Connections Times (MCT) offered by airlines with hub operations at these airports may no longer be guaranteed – resulting in a loss of efficiency & revenues.

Further, it should be noted that:

- The UK is not implementing the 'One Stop Security' concept based on more stringent national measures (as permitted by EU Regulations). Thus, UK airports would not be affected by the UK leaving the EU from that perspective. Indeed, EU27/EEA & Switzerland originating passengers connecting at UK airports already need to be security rescreened at the UK connecting airport.

- Losing 'One Stop Security' vis-à-vis UK originating passengers for EU27/EEA & Swiss airports would have a negative impact on their competitive position vis-à-vis hub airports located in other World regions (especially the Middle East). The resulting reduction in convenience and ease of transfer at EU27/EEA & Swiss airports will not go unnoticed by consumers.

Therefore, ACI EUROPE considers that as part of the contingencies for a no-deal scenario, the EU must ensure that the 'One Stop Security' regime will be maintained vis-à-vis the UK as a third country.

Such 'One Stop Security' arrangements already exist vis-à-vis a number of third countries based on Commission Implementing Regulation (EU) 2015/1998 – subject to such countries being recognised as applying security standards equivalent to the common basic EU standards. So far, these countries include: the US, Canada, Montenegro, Faroe Islands (Vagar airport), Greenland (Kangerlussuaq airport), Guernsey, Jersey and the Isle of Man.

Accordingly, procedures and agreement must be prepared now to allow the UK to be automatically included in the list of countries with whom the EU27/EEA & Switzerland will ensure a 'One Stop Security' regime as per the above Regulation – effective 30 March 2019.

I thank you for your attention and remain at your disposal for any further information.

Yours sincerely,

