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## FLASH UPDATE 27 OCTOBER 2021

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Dear <<First Name>> <<Last Name>>>,

These are hectic times. One day we believe that COVID-19 is slowly but surely disappearing, and our member airlines are ramping up their production, another day we are confronted with another spike in COVID-19 infections and fear again for its effect on our industry. Our world remains volatile; we have to get used to it. It also implies that your revenues are still far from 'normal'. In this world we expect our partners to be cooperative and lenient.

Unfortunately this is not the case with the three monopolists, being LVNL, ACNL, and our airport Schiphol. We will continue to fight them on your behalf. Fight against the 40% increase of Schiphol, fight the 38% increase imposed by LVNL and fight also against the change of rules regarding the slot allocation. On the last issue we joined a few parties (a.o. IATA) in an upcoming legal battle against ACNL.

More battles might follow. We will never accept unreasonable behaviour of those who abuse their position. If we win or lose, it just doesn't feel right. It's extremely rewarding to get so many messages

We thank you wholeheartedly for this. Take care, and stay safe.

Marnix H Fruitema  
Chairman BARIN



### **IATA sends letter to ACNL (Slot Coordinator) on Additional Criteria Policy Rule**

Earlier this month IATA sent a letter to the Dutch Slot Coordinator to raise her concern on the Additional Criteria Policy Rule in which ACNL adds a new parameter being a list with preferred destinations to allocate new slots to. Please [click here](#) to download the letter.

BARIN asked a number of questions to Dimiter Zahariev, Senior Manager Worldwide Airport Slots.

#### **Dimiter, could you please provide us with the latest update on the S22 Dutch Slots issue?**

*Slots for next Summer 2022 are to be allocated at EIN, RTM and AMS according to a new Policy Rule that is a significant risk to the principles of the slot process and coordinators independence. The new slot allocation Policy Rule that was unilaterally implemented by ACNL in July 2021 for allocating slots this November, prioritises new allocations only according to a destination list determined by the airport, Royal Schiphol Group. Therefore, we believe this actually a Traffic Distribution Rule (TDR) according to EU Law (Regulation 1008/2008), that will ensure future slot allocation is 100% aligned to the routes desired as part of the Airports strategy for these three airports (EIN, RTM and AMS). TDRs are required to be consulted, approved by the EU Commission and a precise procedure followed, which was the case when the NL*

### **Could you define what the stakes are, and how this issue could affect Dutch and European aviation?|**

*The Policy Rule has no equivalent by any other slot coordinator and fundamentally differs from the globally adopted slot allocation process. The Policy Rule departs from a number of EU Regulations in our opinion, for example by determining which routes can successfully apply for future access to Dutch coordinated airports. The Policy breaches the right to freedom of access to EU airports by airlines and will prevent airlines from even applying for slots that are not on the destination list. Just one example: only routes from Athens to Eindhoven and Rotterdam are prioritized, excluding all other new slot applications on Greek routes to the three Dutch airports.*

### **As we near the deadline, what can be done at this stage to reverse the trend and ensure a fair and sound process?**

*The global airline community represented by IATA, Airlines for Europe (A4E), Airlines for America (A4A) and the Cargo Airlines Association (CAA) have raised their serious concerns with ACNL, the European Commission and the Dutch Ministry for Infrastructure and Water Management.*

*Despite attempts to resolve the issues through the Coordination Committee Netherlands, and prevent the consequences from allocating slots based on this Policy Rule, (which later can have a much more serious impact if they have to be undone by the coordinator) , ACNL has refused to withdraw or even suspend the Policy Rule. This leaves airlines with no other option but to initiate a legal challenge in the Dutch courts to prevent such damaging policy to be applied, and limit the global consequences of slots being allocated in such a manner.*



Legal action against ACNL (Slot-coordinator)

## **BARIN and industry partners to commence legal action against ACNL (Slot-coordinator)**

Together with industry partners KLM, easyJet and IATA, BARIN will start legal proceedings against the Dutch Slot-coordinator (ACNL). Sector partners do not agree with the establishment of a list with preferred destinations from SPL, RTM and EIN set by ACNL. By doing so, the slot-coordinator directly interferes with the commercial decision-making process of individual airlines and will severely limit and prohibit airlines the ability to serve routes which are not on the list. Our claim is that the procedure followed is not in line with EU and WASG Slot Guidelines.

Please [click here](#) to download the BARIN letter sent to Nauta Dutilh and [click here](#) to download the published destination list for AMS.



Ministerie van Infrastructuur  
en Waterstaat

## **Ministry of I&W replies to ACN-letter co-signed by BARIN on proposed night-regime**

On September 7<sup>th</sup>, ACN and BARIN jointly sent a letter to the Ministry of Infrastructure and Watermanagement to raise concerns on the proposed reduction of night movements of which we contest that the procedure followed is not in line with the Balanced Approach, mandatory to follow when executing such a directive.

The Ministry has sent her reply and you can [click here](#) to download the letter. Basically the Ministry is stating that she is currently doing additional research in order to determine if the procedure can be followed as initiated and secondly announces a three-month consultation period once their investigations are terminated and the proposal has been made public.



## Lifting Travel ban for EU travellers to the USA as per November 8th

As you are all aware, the travel ban for vaccinated EU travellers to the United States of America will be lifted as per November 8<sup>th</sup> next. Please [click here](#) to download a factsheet from the US Government on this subject. We kindly request, especially this carriers operating between the Netherlands and the USA to study this document carefully and let us know if there are any remaining obstacles or issues. We can convey these via the Dutch Embassy in Washington for further consultations between the EU and US.



## LVNL publishes notes and presentation from ChiefPilots@LVNL meeting 13th October

On October 13<sup>th</sup> LVNL organized the 9<sup>th</sup> ChiefPilots@LVNL meeting at Schiphol. In case your airline has missed this meeting, you can [click here](#) to download the report of the meeting and you can [click here](#) to download the presentation which was shared during the meeting.



## BARIN planning a webinar on November 25th to update members on Charges Schiphol and LVNL

On 25<sup>th</sup> November we have scheduled a webinar from 14:00 to 15:30 hours to update our members on the current developments on the charge increase intentions of both Amsterdam Airport Schiphol as

published by ACNL (see top article) and the status of that file.

Please mark this date and time in your calendar. The invite to BARIN members will be sent shortly.

## Interesting to read

- Please [click here](#) to download the article in Het Parool on KLM's intention to bring Schiphol to court



## IATA Updates

- Please [click here](#) to download Key to Air Cargo Resilience Post pandemic  
Please [click here](#) to download Net-Zero Carbon Emissions by 2050  
Please [click here](#) to download States Must Deliver on Commitments to Restore Global Connectivity

### About BARIN

BARIN is the industry association for airlines undertaking business in The Netherlands.

BARIN Member Airlines are represented by the most senior executives representing their companies in The Netherlands in the case of foreign based airlines, and hold senior executive management positions in the case of the Dutch-home-based airlines.

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