



24 August, 2017

## Open letter to the EU Council of Ministers

### Implementation of regulation EU 458/2017 regarding reinforcement of checks against relevant databases at external borders

Dear Ministers for Justice and Home Affairs,

The International Air Transport Association (IATA), Airlines for Europe (A4E), the Airlines International Representation in Europe (AIRE), the European Regions Airline Association (ERA) and Airport Council International Europe (ACI) hereby express their significant concerns related to the chaotic implementation of Regulation EU 458/2017 and urge Member States to take the necessary measures in order to minimize the inconvenience caused to EU citizens and to preserve connectivity at EU hub airports.

**The number of delayed flights due to border control issues increased by 97%** between April and June 2017 (compared to 2016), **after the regulation entered into force**. Furthermore, in June 2017, the **contribution to the average delay time per delayed flight, due to border control issues, increased by 30%**<sup>1</sup> compared to 2016.

With the traffic increase due to the holiday season, and in the absence of appropriate measures put in place by Member States, the implementation of enhanced border controls for EU citizens has caused havoc at a number of EU hub airports. This has been widely echoed and documented in European media.

Around **319 million**<sup>2</sup> passengers per year will be affected by the enhanced border control prescribed by Regulation 458/2017, i.e. **almost half of all passengers travelling through EU airports**. Based on our current observations, the new systematic checks are increasing the processing times at border control by approximately 20 seconds per passenger. This means that on average **one extra hour** is necessary to **process every single flight**.

In some cases, these delays have caused up to 5% of passengers per day to miss their connecting flights. In Paris Orly, the new measures have increased the waiting times at border control by up to an hour during around 40% of the days, in the previous months.

Airlines and airports are doing their utmost to minimize the inconvenience to passengers. In this regard and although passengers stuck at border control are considered “no-show passengers”, airlines have tried to re-book them to the next available flight at no cost to the passenger. This is however severely disrupting

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<sup>1</sup> Data Source: Eurocontrol's Central Office for Delay Analysis

<sup>2</sup> Data Source: IATA Economics



airports' and airlines' operations and is also exposing air carriers to undue passenger rights claims under EU Regulation 261/2004 due to the delays incurred on connecting flights.

Over the past years, many airports in Europe have suffered the effects of understaffing for border controls. With the new requirements imposed on border authorities, the situation is now unsustainable and is even impacting the attractiveness of European hub airports.

Member States are urgently invited to adopt the following measures:

- 1) In accordance with Article 15 of the Schengen Border Code, all Member States shall **deploy the necessary number of border officers and consider further deployment of automated border control gates**, including at secondary airports where non-Schengen traffic is significant.
- 2) Member States, like Spain and France, which are **collecting Advance Passenger Information (API), shall make use of the provisions set out in Article 8 paragraph 2e of Regulation EU 458/2017, which were specifically added to allow for more efficient checks**. The advance verification on the basis of API data could also speed up controls for EU passengers on inbound flights.

Our members have always been fully supportive of the EU's agenda to reinforce Schengen's external borders while safeguarding Schengen's free movement area. It is however essential that the adequate human resources are allocated and processes are implemented by Member States to minimize the impact on EU citizens, on the operational reality of the aviation industry and ultimately on the attractiveness of EU tourism.

We remain at your disposal for any further information including on specific situations at EU airports.

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