

United States Senate

WASHINGTON, DC 20510-4606

March 10, 2020

The Honorable Elaine Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Chao and Secretary Pompeo:

As the United States and governments around the world react to the outbreak and spread of the novel coronavirus, or COVID-19, I write to urge you to work with the European Commission and other European aviation officials to address the potential negative impacts of the so-called “use-it-or-lose-it” rule at European airports as a result of COVID-19.

The novel coronavirus has sickened more than 113,000 people around the world, and killed more than 4,000 people to date. While this situation is rapidly evolving around the world, including in the United States and Europe, the U.S. Centers for Disease Control and Prevention has said the potential public health threat posed by COVID-19 is very high and the spread of the disease in other countries shines a light on the need for a whole-of-society response.¹

The EU’s slot regulation rule, or “use-it-or-lose-it,” requires that airlines fill 80 percent of the slots allocated to them at major European airports in order to keep the same slots in the next season. Amid the spread of the coronavirus, airlines around the world have seen passenger levels drop dramatically. This month, the International Air Transport Association said that global revenue losses for passenger business could be between \$63 and \$113 billion.² With demand dropping, there have been reports of air carriers flying “ghost flights” – in many cases with less than 40% of the aircraft occupied – in order to meet their slot requirements at European airports. In addition to the costs to airlines of running these flights, we should be concerned about the environmental impact of running undersold and empty flights for the sole purpose of maintaining global slots.

Some slot regulations have been relaxed around the world, in particular with regard to flights to and from mainland China.³ However, I urge European officials make similar moves provide

¹ <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>

² <https://www.iata.org/en/pressroom/pr/2020-03-05-01/>

³ https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/mobility_en

flexibility around slot allocation rules. The regulation governing the rule allows for non-use of the slots for “unforeseeable and irresistible cases outside the air carrier's control.”⁴ The Commission has invoked this exemption before, in 2002 following the terrorist attacks on September 11, 2001, in 2003 amid the SARS outbreak, and in other cases of global financial stress on airlines.

The response to this virus is truly a global concern, and we must recognize that certain norms need to be reviewed, as the world takes appropriate measures to slow the outbreak. I encourage you to work with stakeholders to ensure the stability of passenger-travel industries. I ask that you keep me apprised of your efforts in this matter – I stand ready to help in any way I can.

Sincerely,



Mark R. Warner
United States Senator

⁴ <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:31993R0095>