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MEPs Want an Even Fitter 55

Once, the European Parliament was a fork, in a world of soup. The Commission proposed and the Council disposed. The best Parliament could hope to do was edit. Now, post-Lisbon treaty, it has the ability to affect the outcome of legislation. From being largely ignored by lobbyists it is now a central hub for lobbyists. We have moved to the Commission proposing, the Parliament repurposing, and the Council disposing. How important the Parliament and the MEPs have become is clear when bills go into the triologue process. MEPs have the power to block change until a suitable compromise is reached. That is why on the Fit for 55 package, which was considered in the Environment Committee of the Parliament in mid-May, all those that wanted a different outcome – meaning the legacy airlines – were prepared to write and distribute their own views before embarking on extensive lobbying. You will recall that the Fit for 55 package is an array of measures to reduce Europe's emissions by 55% by 2030.

In Destination 2050 – what we once, stupidly, thought was the combined industry view – 2030 was not even set as a waypoint, but at least it did set as its destination net zero by 2050. Then the industry fell apart. Two new entities were formed to lobby against the Fit for 55 package, remarkably suggesting that instead of having rules and mileposts for compliance, we should just trust the airlines. You could have heard the MEPs asking [‘What could possibly go wrong?’](#) from the International Space Station. The Aviation Alliance and the European Network Airline Association made the point that the Fit for 55 measures would cost money and force airlines to actually do something, so it was simply Not On. IAG also got into the act with the same message in their stand-alone campaign. Right at the last minute, the Destination 2050 team put the band back together for a last-roll-of-the-dice [letter](#). In a neat twist, it proposed that free CO₂ allowances continue for SAFs uplifted by airlines. Sadly, they then included the SAF industry as signatories.

How did all that expensive lobbying go? The [targets](#) were increased, the speed with which the free allowances are to be phased out has also been increased and the emissions from all flights, not just those within the EEA area, are now to be included. Despite the best efforts of the Destination 2050 old guard, there was no consideration of a bonus/malus scheme as far as the aviation ETS was concerned, but [it is proposed](#) for the general ETS scheme. So is committing to earmarking funds to invest in new technologies. Why these ideas were rejected for aviation we may never know.

The good news for the lobbyists is that this is not the end of the journey. For a profession getting paid by the day, the good news keeps on rolling. The Committee proposal now goes to the plenary in early June, and then to the Council and almost certainly, if the lobbyists have done their job well, to a triologue. At the moment, it looks as if the angle of attack is to be on the increased cost of tickets. Presumably, they hope this will get traction with consumers. For the activists, that is actually a good outcome, as it will reduce flying. For the airlines it is apocalyptic, for exactly the same reason.

The final piece of this puzzle is CORSIA, in which much faith is being put, provided that it is reformed and toughened. Oh dear. The chances of that appear to be diminishing by the day (see below). Interestingly, even McKinsey, a firm that is fully aware of which side of the activist/airline divide will pay their fees, [is calling on airlines](#) to make a break for freedom. It encourages airlines to be seen to be doing more than the regulatory minimum on climate change; to be first to have [an honest](#) story to tell. Ask KLM...

Long Term Aspiration Seeks High Level Group for Meaningful Exchange

Preparations are now in full swing at ICAO Centrale for the next General Assembly, scheduled for the two weeks at the end of September and the beginning of October, in that tiny window when Montreal is vaguely habitable. The mosquitoes have gone, the snow is merely on the horizon. The semiotics of holding a meeting when the weather is deteriorating by the day is interesting. You might be tempted to say that it would lead to shorter, faster meetings, but if you think that, you have never been to an ICAO meeting. Diplomatic niceties must be met, apparently. No, we do not know why either... Still, on steamrolls the preparations. Has ICAO ever convened a low-level group or meeting? If every group is a high-level group, sorry, High Level Group, the term is meaningless. They are all just Level. ICAO has resolved this by calling yet another High Level Group, and then demanding an omerta of total secrecy. So, it turns out there is a level of High Levelness about High Level: A Need-to-Know-Only-Basis Level Group.

As part of the lead-up to the Assembly, ICAO's Committee on Aviation Environmental Protection produced a comprehensive report on the wonderfully named Long Term Aspirational Goals in February. This being ICAO they are known as the LTAG. There is more than a trace of the Bisignanis about a long-term aspiration. The former IATA DG never set a goal less than 50 years forward. He knew he would be long gone by then. 'Long-term aspiration' is a bit like 'high-level' in its meaninglessness. Notwithstanding the futility of trying to create a long-term aspiration, the CAEP did its work. Then, remarkably, ICAO had a sudden outbreak of transparency. It posted both [the report](#) and the informal briefing. Unheard of behaviour from ICAO, and very welcome to the environmental lobby, which has complained about the lack of transparency for years.

That was enough of the fresh air. ICAO is now developing draft recommendations on the 'feasibility' of the LTAG. But it has decided not to turn the CAEP work directly into policy. That would extend the transparency just too far. Instead, we now have not one, but two in-house, in-secret, groups squirreling away. The Council's Climate and Environment Committee met on 22 April, but seemingly without documentation. The Council also established a 'Small ad-hoc Group comprising of Council Representatives that would be tasked specifically with facilitating the drafting of recommendations and expected outcomes of the HLM-LTAG, with the support of the Secretariat'. The Small Group on HLM-LTAG (oh yes, the SGHLM) established by the President of the Council comprises 13 Council members. Neither China nor Russia is included. Draft recommendations are due to appear in a Council working paper for consideration by the Council before the end of its current Session on 23 June. From there it is to go to the High Level (hybrid) Meeting in late July. After that, the hope is that it can go to the Assembly for rubber stamping in September.

But, the HLM has restricted attendance to 'diplomatic nominations', excluding, for example, media. Given that on CORSIA, ICAO seems simply to be considering whether and if so when to revert to the original baseline, rather than upgrading the scheme or introducing Carbon Neutral Growth, Europe can expect less and less this year. The LTAG will be a distraction from what needs to be done immediately, but, it will generate self-declared PR accolades allowing participants to say they have done their bit. Whilst ICAO's policy efforts are being exposed as meaningless, there is a lot going on outside the ICAO ambit. The more ambitious governments and airlines need to be encouraged to do more than ICAO, outside ICAO, now, not in the long-term. That is an aspiration.

European Council Wants Less Single European Sky

The MEPs may want a fitter Fit for 55, but the Council is no surer now than it has ever been, on whether it wants a more single Single European Sky. In fact, it is difficult not to come to the conclusion that the Council is not interested in a more singular single sky at all. The current level of singularity is fine, thanks. After years of work by the Commission, the Parliament, and the airlines on the Single European Sky 2+ proposal, all that the Council's member states (proud owners of the ANSPs), want is that Europe's sky not be single, but simply that everyone play nice. We are at the mighty labour: bringing forth a gnat interface.

The current chair of the Council, France, has put forward what it hopes can be acceptable compromises to get approval on the review of ANSP performance. This is part of the process for the passage of the SES2+ package. This particular proposal from the chair is in response to the currently slow moving triologue process. It intends taking each element (or chapter) one at a time. Indeed, it notes that even this package of proposed compromise measures is not exclusive. Other aspects, even within this narrow area, remain to be discussed. We have that to look forward to.

The chair's compromise works on the basis that whilst there should be more transparency over charges and performance as between en-route services and terminal services, and that there should be, if required, joint performance plans agreed between member states' ATSPs – yes, you read that right, ATSPs – there cannot be joint, or single pricing. That is a paraphrase of some remarkably circumlocutious language, but it is its end result.

While we are at it, does anyone really think that what this process needs now is a new set of initials? What is wrong with ANSP? Why do we need to renominate air navigation service providers – ANSPs – as ATSPs, air traffic service providers? Does anybody, anybody, think that will solve all of the problems? Any of the problems? Is that what has been holding up a Single European Sky all this time? Still, good to see we are focussing on the big things. Unless, of course, there is something much more sinister going on. The problem child that can strike and ruin a summer holiday is not the navigation, it is the air traffic controllers. Is this a cunning plan to sheet that home to national providers?

Pricing, or as we must, apparently, call it, 'cost-efficiency performance targets' on the other hand, are out of scope. Bob Poole, the transport policy director for The Reason Foundation, made a suggestion in his most recent [Policy Update](#). Why not agree a number for en-route flights that forces more expensive operators to reduce their rates to that of the agreed number? It sounds so simple, and of course, it would help bridge the gap in efficiency, or inefficiency (depending which side of the Atlantic you stand), by forcing price onto the agenda. That is exactly what the member states are determined not to allow happen.

To the extent this could be considered at all, it would only be if the common price was set by reference to (and if at all possible, above) the most expensive provider, not the lowest cost provider. That is European thinking, Bob! Every child wins a prize. Unless they are a consumer, obviously, or an airline. They are, in today's conversation, the grown-ups, expected to drive the children to the fun fair and pay for their rides and food. They are not entitled to any consideration at all.

Brexit Trade Wars at Twenty Paces?

The war of words between the United Kingdom and the European Union continues. If it was not so important, it would be funny. When it comes to what it should do regarding the Good Friday Agreement and the Northern Ireland Protocol, the UK looks like a production of Hamlet, played by the Teletubbies. The 'eyes on the throne' Foreign Secretary wants to buff up her Margaret Thatcher image by talking tough, and those that actually negotiated it are trying to either rewrite what the words say or prove beyond doubt that they never read it. The Commission, which comes from a different school of negotiation – something more along the lines of saying what they mean and meaning what they say – look on increasingly alarmed, rather than the original position of bemused. The Commission's approach is apparently not appreciated across the channel. Add to that a UK Prime Minister under real political pressure on other fronts looking for diversionary rally-round-the-flag press coverage. In such a febrile environment it may only take a stray spark to light the touchpaper.

If the Protocol is unilaterally undone, there is a real risk of a trade war. Depending on the language and the escalations that proceed it, that may include putting flights between the UK and Europe at risk. That may seem like an overreaction, but anything is possible. As a general statement of international law, the response from Europe to any unilateral action from the UK has to be appropriate and proportionate, but that still leaves a lot of room for ambiguity. Given that the Northern Ireland Protocol is about goods crossing (or not crossing) the European border, it might be that cargo is the most obvious area for trade restrictions to be applied. Then again, given that Politico UK recently [reported](#) that one of the measures being considered was not to check empty trucks heading to the EU from the UK 'to assist exporters' it is hard to know. If all this talk and posturing is literally about the export of air in otherwise empty trucks, then it will need a review. Perhaps this air is heated. Stopping still more hot air from being brought from the UK to Europe is a good idea.

Beyond a ban on cargo, the next step would be to prohibit passenger flights between the EU and the UK. That would be more divisive. For airlines like Air France and Lufthansa, it will require them to dust off the briefing notes they had ready at the time the Withdrawal Agreement was being negotiated. Arguably there are more benefits to them than to the UK carriers in such a move. For carriers like Ryanair, it would be disastrous, which would be another reason why Air France and Lufthansa may support it.

The step beyond that might be closing airspace and you will need a dictionary printed on elastic to make that fit 'appropriate and proportionate'. Mind you, we are getting pretty good at that, so do not rule it out. It would cause the usual chaos of diversions and re-routings, but ho hum.

Admittedly, all of this sounds far-fetched, but then again, so did Brexit, and the hard-core hard-Brexit cohort within the ruling party and the media that sustains it may think it a risk worth the taking. Other actions may include removal from the Single European Sky frameworks, not recognising Europe's vaccination certification and the removal of reruns of *Dad's Army* from European television screens. Or, perhaps, the demand that it shown ten times a day on all European television screens. On reflection, that is the most likely outcome. One good farce deserves another.

Who Will Win the Eurocontrol Song Contest?

By quirk of fate, once every five years, two of Europe's most important contests all but overlap. Eurovision is the warm-up act for the big one, the selection of a new Director General of Eurocontrol. In both cases, the selection is both by way of popular approval, but also, more importantly, by political process. A political process that is as opaque as it is decisive. The question on everybody's lips as final rehearsals and sound checks are being undertaken is whether anyone can beat Patrick Ky to be the next DG? Ky, the Executive Director of EASA, has long been seen as the favourite to replace Eamonn Brennan, who is not seeking a further term in office. Other contenders are the recent former ECAC President Ingrid Cherfils (and Director for Strategic Development and Management in the Swedish Transport Agency), Raúl Medina Caballero (immediate past president of Eurocontrol's Provisional Council and the DG of Civil Aviation in Spain) and Jan Klas, the CEO of the Czech Republic's ANSP, ANS-CR.

The traditional big four Eurocontrol members, as with the big five members of the European Broadcasting Union, do not have to go through the elimination rounds. Instead, traditionally, by agreement, they take it in turn to nominate a candidate. On that assumption, it is France's turn. The last five DGs have been Yves Lambert (1994, France), Víctor M. Aguado (2001, Spain), David McMillan (2008, UK), Frank Brenner (2013, Germany) and Eamonn Brennan (2018, Ireland). You might have noticed a flaw there. It was France's turn in 2018. But Ireland's Eamonn Brennan upset the odds with a barnstorming River Dance inspired fusion of tradition and modernity, along with some very fancy footwork, to take the prize in 2018.

As the former big cheese in SESAR, as well as his current role as ED of EASA, Ky covers all the bases in terms of technical and institutional knowledge of EU aviation politics. Plus, it is France's turn to win. He is a crooner, with a solid ballad and an audience receptive to the sweeping chorus that touches on the fan favourites of new technology and safety. The one issue in his preparation is that there might be some discontent with the backing singers if [Politico](#) is to be believed. His team have been working on that issue in recent months. Do not be surprised if Ky breaks all traditions and sings in English too, or at least sings one verse in English, as a nod to some of Eurocontrol's newer members.

But the contest is more open than may first appear. The judges are the 41 States of Eurocontrol. Not all of them are EU members. Indeed only 27 of them are EU members. Many of those states are worried about EU aviation regulations and directives being, in one way or another, imposed on them. The idea of an establishment candidate being elected again, or imposed on them for the sake of tradition, when Europe's ATM system and performance regime needs some severe re-calibration to make it more resilient to sudden shocks, may not be so popular after all. If this were the old days Ky would be a shoo-in, but that was then, and this is now. The 2022 edition promises to be a very different competition.

That the Eurocontrol top job is normally occupied by one of Europe's big aviation powers was a given, but Eamonn Brennan's River Dance inspired time in office has shown smaller state candidates can make a success of the job, too. The job has been considerably re-engineered and the role of Eurocontrol moved sharply to the centre of

European aviation. Small states are every bit as capable, given the right candidate, Brennan's term suggests.

Enter, stage left, Ingrid Cherfils. Sweden has some form in singing contests, and she is the Hip-Hop candidate. She mixes national responsibility with international experience and diplomacy. No catchy choruses but a clap-along beat. Radical made mainstream. Not many people can explain in detail exactly what ECAC does (and why it is different from ICAO) but most will have heard of CORSIA which in 2016 was accepted by ICAO in large part as a result of the work done by ECAC and its Member States to produce a 'world-first' (as we like to tell ourselves) environmental sectoral agreement. Small states will like her. You may have spotted something else about Cherfils. She is not male. Eurocontrol has never had a female DG and female directors within the organisation are rare too. The predominantly male Provisional Council, which makes this decision may, or may not, find that to be an important issue.

The Spanish entry is Raúl Medina Caballero, whose CV is filled to the brim with senior positions in exactly the kind of organisations which perfectly qualify him for the post (President of the Spanish Aviation Safety and Security Agency, member of the Boards of Directors of ENAIRE, SENASA and INTA, Vice-President of ECAC etc, etc). But for Ireland's breaking of the mould, 2022 should have been Spain's year. Their entry has a rousing toreador quality, having stared down and defeated the pandemic from out in the middle of the *plaza de toros* as Chair of the Provisional Council. It is only a short jump from Provisional Council to *paso doble*. Rousing beat, strong narrative, assured lyrics. Could be a compromise establishment candidate if judges find the Swedish entry too drum-and-bass and the French entry, well, too French.

Which leaves Jan Klas. Klas comes from the suddenly sexy side of the continent. Previous DGs have all been Western Europeans, which for the duration of the Ukrainian conflict is not exactly on-trend. Not only that, but Klas is family, having worked at Eurocontrol. He knows the organisation and the role that it played when the Berlin Wall came down and new ANSPs appeared literally overnight. Even before Ukraine, that makes him popular with the right-hand side of the Eurocontrol membership map. He has the battle scars of leading an ANSP through the storm of a pandemic, while, at the same time, radically overhauling the country's ATM technology. He has a solid base of support among ANSPs, having been the chair of CANSO's European member committee. Expect the Czech entry to reflect all of this. Folkloric, perhaps, but modern; reflective, street-smart, ultimately optimistic.

Who will win? It depends on how much of the vote will be determined by politics rather than pragmatism. The winning formula of a successful Eurocontrol DG is to ensure that the three main constituencies whose support is vital – States/ANSPs, airspace users and EU bodies – all believe you are on their side. This is, of course, impossible. But the best DGs have been at heart excellent diplomats, able to articulate exactly what role the Agency needs to play in the European air transport ecosystem (not always easy) and getting everyone to agree the steps needed to reach there.

More so than ever, the mood of the judges is far less predictable than in the past. As the sequins are applied and the glitter ball put into position over the Europa room at Eurocontrol headquarters, we are in for a thrilling contest.

Three (Vaccine) Shots to the Wind

Step outside in most cities these days and you will see something that closely resembles 2019: busy city streets, movie theatres, cafes and restaurants filled with patrons eating, drinking and being merry. Plus, of course, the occasional mask wearer. However, just because we now operate in the wild blue yonder of a post-vaccine world, it does not mean that the world has actually caught up with the immunity level, or the times. Or the developed world, anyway. In the developing world, the situation is not so clear.

The World Economic Forum recently [addressed](#) tourism's rate of recovery. There was a 27% increase in nights spent in the EU by tourists in 2021 over 2020 rates, which is still 40% lower than 2019 levels. Coastal countries like Greece, Spain, and Croatia saw the largest tourist gains last year, while more landlocked and northern countries were harder hit. This could be chalked up to tourists wanting to hit more traditionally tourist-y spots, and/or sun and sea, or the timing of the vaccine distribution making warmer vacations more appealing than, for example, hitting the ski slopes. Regardless of the why, the whole of Europe is still in tourism recovery mode.

There can be no denying that most of the brave new world of Covid was deleterious, at best; but one bit of the new, Europe's Digital Covid Certificate and its corresponding regulation is a beacon for constructive and successful reduction of Covid transmission rates for travellers. Those that love to mock the European Union and its processes were required to take a back seat, for once. Agreed at land speed record pace, it is now the global template for certification. It is usually a crisis that sees the Commission and the Council come together and forge new ways of doing things. So, about that Single European Sky...

In mid-May, the European Tourism Manifesto released their newest [proclamation](#), 'Towards Free Movement of Travellers Within and Into Europe'. It calls upon member states to recall that simple travel restrictions have been proven ineffective for reducing virus spread. Cross border tools like the DCC have been effective, but the Manifesto attempts to dissuade lawmakers from using DCC recertification to add new intra-border freedom of movement snares. The Certificate should be as uniform as possible and include every WHO-approved vaccine. This uniformity both makes travel smoother and allows for a larger number of tourists to come to Europe, fuelling growth. Finally, the new manifesto asks for the DCC to be terminated once 'the virus has reached a manageable level of transmission that does not result in severe impacts on public health'.

The Global Business Travel Association published a support [letter](#) for the Tourism Manifesto's DCC stance. As the world's largest business travel association, the GBTA focuses on what it calls 'Mere Restrictions' as being ineffectual, but also warns that the DCC risks, and must not slip into, the imposition of new freedom of movement restrictions, ever-expanding vaccine obligations, and mirrored travel requirements and restrictions. That risk is highest at the national level, with the DCC as a lever of nationalism. Each nation has an intrinsic duty to look out for its own tourism regrowth, any measure that fractures agreements and ease of access and movement between the 27 Member States will only cause the return of tourism to stagnate, even on a national level, particularly for smaller countries. As 10% of Europe's economy, we cannot afford to lose sight of tourism.

Still More Public Money for Air France – But Do Not Call it State Aid

When the European Coal and Steel Community was established, in April 1951, there was concern that the entire venture was nothing more than a means to create a Franco-German industrial machine. Those fears have never totally dissipated. It was the guiding light of British policy towards Europe; encouraging expansion to dilute the power of France and Germany. That policy was replaced by xenophobia more recently.

Nonetheless, even if the UK was still in the Union, it is extremely unlikely that it would have been able to stop the most recent [play from France](#), the undisputed heavyweight champion of Europe at State Aid. If State Aid was an Olympic event, it would be the undisputed champion of the world. Not content to trouser €7 billion in State Aid at the height of the pandemic, Air France is back to the well, for what must be for the finance department *functionnaire* that records these gifts, practically a rounding error.

This time, Air France has taken advantage of the European Globalisation Adjustment Fund to bank the trifling sum of €17.7 million to help its ex-employees adjust to being ex-employees. They were let go because of the pandemic, which is, admittedly, one definition of globalisation, and thus appropriate that adjustments be made, but it is not the usual definition of globalisation. No, normally, to Air France and its regular visit to this particular magic money tree, the definition of globalisation is ‘Gulf carriers’. On more than one occasion, it has sought, and obtained, adjustment funds to combat the globalisation of nasty foreign carriers with such unfair advantages as better services and schedules. Remember, Air France is 28% state-owned (with a rights offer still open), so the arguments about state funding and so on do not really apply in its case.

The European globalisation adjustment that Air France wrung from the Commission this time is to aid fewer than 1,600 ex-employees to find work, to retrain or otherwise adjust. That is more than €11,000 per ex-employee. Nice retraining if you can get it. It is, of course, over and above pensions and other termination payments these ex-employees were entitled to as they were retrenched – using State Aid funded schemes.

Still, not all that State Aid was wasted. Please take a moment, turn the window on your computer or phone to full screen, turn up the volume and luxuriate in this new Air France [corporate advertisement](#). It is so rich it should come with a cholesterol warning. If you have ever wondered if aviation was a perfume, now you know. Eau de Aviation. Presumably, the JetA1 fuel version only comes as an after shave. The alternative, as their sister airline KLM discovered, is to make claims about flying responsibly to reduce emissions and enjoying being net zero, [only to be sued](#) for what can only be called being adjacent to the truth.

This is your taxes at work, where they should be at work, sustaining the creative industries. Working on tasks like re-imaging aviation and trying to see the responsible serious emissions story – as ham-fisted as KLM may have been this time. These are the real creative industries, not the lawyer who wrote Air France’s application for access to the Globalisation Adjustment Fund by simply replacing the words ‘Gulf carriers’ with ‘Covid-19’. Mind you, once KLM, or another airline gets their story straight and starts to get some traction on messaging, expect a lot of copycat campaigns. The lawyers will be needed then, to enforce copyright.

Airports, Emissions and Charges: Now it is a Good Idea?

To Thessaloniki, to allow regulators to meet again with airports and airlines. At least to a WebEx call that allows regulators to meet with airports and airlines but taunts us all by continuing to call itself the Thessaloniki Forum. Once, those meetings were in person, and sometimes, in nice places like Thessaloniki. Everyone would troop off, be inspired by the surroundings, the history and the sense of occasion, and common accord would be reached. We will think of them as the good old days soon – if not already. The irony of the aviation industry holding meetings by Zoom has not been lost; although, to be fair, IATA took the long-distance travel out of distance learning courses long before the pandemic.

Last time it met, the Forum pushed the line that airports, as utilities, should be entitled to recover lost earnings. That is something of a curate's egg for the airports. To be a utility is to very close to being an essential service and a number of commercial restrictions can then be applied. Nonetheless, it took a certain amount of wind out of the airlines' sails.

This time, in early June, the Forum is to discuss modulating airport charges to reduce emissions. Even a Forum has got to have a position on sustainability nowadays. The airports have suggested this in the past – there is also an argument that slots could or should be allocated to lower emission aircraft as a priority – but you will not be surprised to learn that the airlines rejected the concept on the grounds that it was discriminatory. Er... yes, that was its point. To discriminate in favour of lower emission aircraft. Perhaps it was rejected on the discriminatory ground that it was suggested by the airports. In any event, at the time, the regulators – known as independent supervisory authorities – listened to the airline argument and the idea was dropped.

Now, it is the regulators' idea and suddenly, it is back on the agenda. Presumably, the airlines will trot out the discrimination argument again – recycling old ideas is one form of sustainability they can get behind – but now there are two in favour and only one against. Time will tell, of course, and the devil may well be in the detail, but it is an idea that is worth another discussion.

For more on these topics and other industry issues, do not hesitate to contact us at info@aviationadvocacy.aero or visit our blog: www.aviationadvocacy.aero/blog

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