

# Public consultation on the Revision of the Air Services Regulation 2022

Fields marked with \* are mandatory.

## Introduction

---

The Air Services Regulation was adopted in its current form in 2008. It governs the EU internal market for air services. It sets rules including:

- which carriers can access the market and under what conditions (operating licence requirements);
- when and where EU carriers can freely operate in the EU and the exceptional situations in which this freedom may be restricted by national authorities (such as for public service obligations, for environmental reasons or to distribute traffic between airports serving the same city);
- the freedom for EU carriers to set air fares or rates and how prices should be displayed to consumers.

The Air Services Regulation has supported major growth in the sector in response to increased demand for air travel from EU citizens and opened the way for low-cost air travel, increasing connectivity across the EU, including remote and outermost regions, and beyond. It has opened up the possibility of foreign travel for many EU citizens, for which it had previously been unaffordable, thus promoting freedom of movement of EU citizens throughout the EU.

Before the Covid-19 pandemic, the Commission planned a review of the Air Services Regulation to ensure that it remains fit for purpose. An [Inception Impact Assessment](#) and an [evaluation](#) were published respectively in February 2018 and July 2019. An Open Public Consultation took place from 15 March 2018 - 07 June 2018. However, in 2020 the Commission put the initiative on hold to take into account and assess the structural impacts of the COVID-19 crisis on the sector and the experience gained during the pandemic.

The evaluation published in 2019 found that the Air Services Regulation had brought sizeable benefits in creating the EU internal market for air services. Consumers, airlines, airports and aircrews have all benefited from more activity, new routes and airports, new business models, a wider range of advertised fares and an increased overall quality of service for consumers. At the same time, the evaluation concluded that the regulatory framework may need some adjustments to ensure a better functioning internal market for air services. Possible areas for improvement identified included conditions for the granting of an operating licence, insufficient clarity in some provisions, such as on public service obligations or price transparency, and a lack of clarity over the regulatory treatment of new services such as drone-based

o p e r a t i o n s .

An impact assessment support study was carried out in 2019/20. The problem definition, objectives and policy measures now need to be revisited to take account not only of the impact of the COVID-19 crisis and lessons learnt during the pandemic, but also the objectives of the Commission set out in the European Green Deal and the Sustainable and Smart Mobility Strategy.

Having rules fully fit-for-purpose in the post-COVID context will be essential to better support the air services sector to recover from the crisis and build resilience while investing into a low-carbon, sustainable and digital future. Suboptimal rules may result in a loss of air connectivity, competitiveness in global aviation markets but could also mean a loss of quality jobs, or hamper EU airlines' green transition.

The review will take into account the [2021 Delivering the European Green Deal package](#), which contains several proposals aimed at decarbonising aviation by 2050 and supporting EU airlines' green transition, including a proposal on sustainable aviation fuels.

It will also take into account the 2021 [special report](#) from the European Court of Auditors on air passenger rights during the COVID-19 pandemic. It will also ensure coherence with related initiatives, notably the review of the general EU passenger rights framework, as well as a [review](#) of the Package Travel Directive, which are being carried out in parallel.

Respondents and particularly stakeholders affected by the provisions of the Air Services Regulation are invited to share data and factual information on specific aspects of the legislation. Respondents are welcome to expand on their answers in the text boxes provided for this purpose. It is also possible to upload supporting evidence documents to complement the contribution.

The European Commission also intends to conduct targeted consultation activities with the most affected stakeholders. That consultation will be part of the impact assessment support study, which will collect more detailed evidence base on technical matters relevant to the Air Services Regulation. Interested stakeholders will also be invited to provide detailed position papers on all relevant topics.

More information can be found on the following webpages:

The Air Services Regulation, guidelines and the evaluation and other supporting documents can be found on [https://transport.ec.europa.eu/transport-modes/air/internal-market\\_en](https://transport.ec.europa.eu/transport-modes/air/internal-market_en)

[Call for evidence](#)

## Structure of the questionnaire

---

The questionnaire contains the following sections:

A. Information about the respondent

B. Views on the problems

C. Views on the objectives and possible measures

**Section A** is obligatory for all respondents, collecting information about the respondent and asking for the right to publish the information.

**Section B** is intended to seek input and views from all stakeholders on the set of problems identified which the initiative would aim to address. Questions are open to all respondents, but some aspects are relatively technical in nature.

**Section C** is intended to seek input and views on the possible policy intervention(s), in particular the specific objectives and possible policy measures to address the problems identified. Questions are open to all respondents, but some aspects are relatively technical in nature.

## Using the questionnaire

---

You can skip questions that you do not feel comfortable responding to. However, replies to questions marked with an asterisk are compulsory. You can also pause at any time and continue later. Once you have submitted your answers, you will be able to download a copy of your completed questionnaire.

## Disclaimer

---

This document is a working document of the Commission services for consultation and does not prejudice the final decision that the Commission may take.

The views reflected in this consultation paper provide an indication of the approach the Commission services may take but do not constitute a final policy position or a formal proposal by the Commission.

The responses to this consultation paper will provide important guidance to the Commission when preparing, if considered appropriate, a formal Commission proposal.

Please note: fields marked with\* are mandatory.

## Section A

---

### About you

---

\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English

- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Delphine

\* Surname

GRANDSART

\* Email (this won't be published)

delphine.grandsart@epf.eu

\* Organisation name

*255 character(s) maximum*

European Passengers' Federation

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

532739823521-44

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

- |                                      |  |                                     |  |
|--------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan    | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands  | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania        | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria        | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra        | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |

- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania

- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam

- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena, Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

Please add your country of origin, or that of your organisation.

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

*[If respondent says that they are answering on behalf of an organisation]*

Please specify which interests you (the organization on behalf of which you respond) represent:

- Consumer (passenger) organisations
- Environmental organisations
- Member States, in particular national licensing authorities and national authorities responsible for enforcing price transparency rules, but also national authorities responsible for monitoring the application of labour law to aircrew
- Air carriers and their associations (including EU social partners)
- Leasing companies
- Investors
- Aircrew and their organisations (including EU social partners)
- Air ticket intermediaries (including travel agents, Global Distribution Systems, meta-search engines), and their respective associations
- Travel Package organisers
- Airports
- Commercial drone operators
- Other (please specify)

*[If respondent says that they are answering on behalf of an organisation]*

\*In addition to this general consultation, targeted follow-up will be organized with selected professional stakeholders on certain topics. Would you be interested in participating in this targeted consultation?

- Yes
- No

## **Section B. Views on the problems**

---

This initiative aims at addressing five distinct sets of problems, which are described below. The Commission intends to assess the appropriateness of various measures that address the problems identified.

**1. A first set of problems relates to the financial fitness of the EU air services market as a whole, its resilience and competitiveness. The problems identified refer to different aspects, and are complementary.**

**Problem 1a: Many carriers operate with low levels of cash reserves, which may have widespread implications for connectivity in case of a major crisis.**

The Regulation sets a minimum level of capital that carriers should have, primarily to ensure that financial difficulties do not pose a risk to safety. However, the Covid-19 pandemic has also demonstrated that robust balance sheets including sufficient cash reserves, are necessary for air carriers to avoid facing short-term liquidity or solvency issues in such crisis situations.

Events such as the Covid-19 pandemic which lead to a dramatic fall in passenger demand tend to affect many carriers at once. Some stakeholders have raised questions if certain carriers held sufficient levels of capital going into the crisis, given their subsequent recourse to national bailouts. If many carriers face short-term liquidity or solvency issues at the same time, there may be an increased risk of widespread implications for connectivity, including once a crisis recedes. Many carriers were also unable to respect their obligations to reimburse pre-paid tickets to passengers in the context of massive cancellation of flights.

**1a. Please indicate your level of agreement with the problem statement.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 1a. Many carriers operate with low levels of cash reserves, which may have widespread implications for connectivity in case of a major crisis.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**Problem 1b: The EU air services market as a whole faces elevated costs of capital, hampering carriers' ability to rebuild balance sheets and finance the green transition.**

The Regulation requires EU air carriers to be majority owned and effectively controlled by EU nationals and /or EU Member States. The evaluation already identified before the outbreak of the COVID-19 pandemic that existing ownership and control requirements may render access to capital more difficult, thereby increasing its cost. Many air carriers now have higher levels of debt than at the start of the pandemic, which may further increase costs for airlines and therefore potentially negatively affect the competitiveness of the sector. These factors may also act as a drag on the sector's ability to direct future capital to green investments.

**1b. Please indicate your level of agreement with the problem statement.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Problem 1b: The EU air services market as a whole faces elevated costs of capital, hampering carriers' ability to rebuild balance sheets and finance the green transition.



### 1c. Please explain your answers to the questions in this section (optional)

*3000 character(s) maximum*

### 1d. Are there any other problems not mentioned here which you think should be addressed relating to carriers' financial fitness, resilience, competitiveness and/or operational flexibility?

*3000 character(s) maximum*

From the passengers' perspective, these are the main issues:

- No protection in case of airline insolvency
- During Covid-19, the right to be reimbursed in cash was not respected
- State aid to airlines during Covid-19 has not been linked to protecting passengers' rights
- Need to rethink the concept / business model of full prepayment in the travel sector to avoid major cash flow problems in case of massive disruptions

## 2. A second set of problems relates to the insufficient resilience of the regulatory framework for air services. These are not mutually exclusive, and the list is not exhaustive.

### **Problem 2a: Authorities are not always able to effectively monitor carriers' financial situations, or to respond effectively in case they detect financial difficulties.**

The competent national authority which issues a carrier's operating licence is responsible for monitoring the financial situation of that carrier. Carriers increasingly spread functions and operations across Member States and/or have increased the number of operational bases. The evaluation found evidence that as a result, a single licensing authority can face difficulties in performing their financial oversight duties. Financial monitoring can play an important role in early detection of financial difficulties, allowing authorities to intervene at an early stage and limit negative effects on the market.

Although authorities must suspend or revoke the operating licence of carriers in financial difficulties, the Regulation also gives them the possibility to grant a temporary operating licence if safety is not at risk, and there is a realistic prospect of a satisfactory financial reconstruction. The objective of this measure is to avoid the chaos associated with an immediate interruption of air services, including for consumers, and to allow for the financial restructuring of the carrier. However, the evaluation found that temporary licences do not always provide an adequate framework for financial restructuring.

In response to the COVID-19 pandemic, Regulation 2020/696 temporarily allowed national authorities not to suspend or revoke the operating licence (or issue a temporary licence) in case of temporary financial difficulties due to massive and sudden air traffic drop, as long as safety was not at risk. This waiver expired at the end of 2021.

**2a. Please indicate your level of agreement with the problem.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 2a: Authorities are not able to effectively and consistently monitor carriers' financial situations, or to respond effectively in case they detect financial difficulties.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Problem 2b: Authorities are not able to respond to crisis situations in a sufficiently agile and timely manner, e.g. by restricting air traffic rights or urgently adapting PSOs.**

Issues with the existing emergency procedure for Public Service Obligations (PSOs) in case of sudden interruption of traffic had already been highlighted in the evaluation.

Faced with a sudden and massive drop in commercial airlines' operations as a result of the pandemic, Member States were not able under the rules on PSOs to urgently adapt or put in place PSOs to ensure basic connectivity and security of supply.

Equally, Member States' possibilities, under certain conditions, to limit or ban flights to deal with sudden problems in a short-term emergency are limited in the event that the crisis lasts for more than 14 days, and by a high procedural burden both for the authorities and the Commission. Regulation 2020/696 temporarily allowed Member States to deal with problems resulting from the COVID-19 pandemic, which could be of extended duration, but a longer-term solution is required.

**2b. Please indicate your level of agreement with the problem.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 2b: Authorities are not able to respond to crisis situations in a sufficiently agile and timely manner, e.g. by restricting air traffic rights or urgently adopting or adapting PSOs.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**2c. Please explain your answers to the questions in this section**

*3000 character(s) maximum*

**2d. Are there any other problems not mentioned here which you think should be addressed with respect to the resilience of the regulatory framework, in particular as regards the role of authorities?**

*3000 character(s) maximum*

Authorities should make sure that passenger rights are respected, also in times of crisis (disruptions, insolvency). State aid granted by Member States should be conditional on respecting existing acquis.

**Problem 3: National and EU authorities are not able to sufficiently take into account justified environmental concerns when regulating access to the air services market and imposing Public Service Obligations**

Under the Commission’s Sustainable and Smart Mobility Strategy, by 2030 all scheduled collective travel for journeys under 500 km should be carbon neutral. At present, as an exception to the general rule, the Air Services Regulation allows an EU country to temporarily limit or ban flights on serious environmental grounds, in particular where other modes of transport provide appropriate levels of service for people wishing to travel on the route concerned. Other criteria apply such as a limitation in time to three years.

There may be a lack of clarity about the situations and criteria under which a Member State can restrict market access for environmental reasons. A lack of clarity places an administrative burden on national authorities looking to introduce such measures, and on the Commission which is charged with overseeing such measures.

In parallel, the criteria and conditions for imposing Public Service Obligations provide limited scope for authorities to include specific environmental conditions in air PSO tenders, e.g. to require a certain degree of environmental performance on a PSO or to take into account other modes of transport on routes where suitable alternatives to air services exist.

**3a. Please indicate your level of agreement with the problem statement.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 3a: National authorities are not able to sufficiently take into account justified environmental concerns when imposing Public Service Obligations.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem 3b: National and EU authorities are not able to sufficiently take into account justified environmental concerns when regulating access to the air services market.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**3b. Please explain your choices (optional)**

*3000 character(s) maximum*

**3c. Are there any other problems not mentioned here which you think should be addressed with respect to authorities’ ability to take environmental concerns into account?**

*3000 character(s) maximum*

**Problem 4: Labour authorities sometimes find it difficult to fully enforce applicable labour law in respect of aircrews.**

The internal market has made it possible for airlines to innovate and operate out of multiple operational bases to the benefit of connectivity, competition and passengers. The evaluation found that this has, in some cases, added a level of complexity to determine which country’s labour law applies to aircrews. Many stakeholders see a link with ineffective enforcement of existing national labour law rules by the countries responsible to the detriment of aircrews and competitors. The responsible authorities are not always aware of the presence of aircrews assigned to an operational base on their territory.

**4a. Please indicate your level of agreement with the problem statement.**

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 4: Labour authorities sometimes find it difficult to fully enforce applicable labour law in respect of aircrews.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**4b. Please explain your choice (optional)**

*3000 character(s) maximum*

**4c. Are there any other problems not mentioned here which you think should be addressed with respect to the enforcement of applicable labour law in respect of aircrews? (optional)**

*3000 character(s) maximum*

**Problem 5: Customers are not always able to make fully informed choices about air tickets.**

The Regulation requires that air fares must include the applicable conditions when offered or published in any form, including on the Internet, not only by air carriers, but also by any intermediaries. The final price must at all times be indicated and must include the applicable air fare as well as all applicable taxes, and charges, surcharges and fees (“TFCs”) which are unavoidable and foreseeable at the time of publication. TFCs must also be displayed separately where these have been added to the air fare. The evaluation

pointed to shortcomings in the area of reimbursement in case of voluntary cancellation by the passenger, since the TFCs are not necessarily the same as the reimbursable elements as defined in the Terms and Conditions of Carriage.

Optional price supplements must be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the customer must be on an 'opt-in' basis. The evaluation concluded that current price transparency rules do not seem to enable an effective price comparability for passengers in light of increasing use of optional price supplements. Airlines apply different pricing models, and categorise their optional price supplements differently. For some airlines, the basic ticket includes features and services (such as sitting together with others in the same booking, seat selection, hand luggage, checked luggage, drinks and meals). Other airlines offer these features and services for an additional fee, which enables them to keep the price of the basic ticket lower and increases consumer choice.

**5a. Please indicate your level of agreement with the problem, and the individual aspects described above.**

	Strongly agree	Agree	No opinion / don't know	Disagree	Strongly disagree
Problem 5: Customers are not always able to make fully informed choices about air tickets	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5a. Consumers are not sufficiently informed about what is reimbursable if they decide to cancel their ticket	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5b. It is not always clear to consumers what the final price is to be paid	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5c. Consumers are not able to compare prices of different ticket offers effectively	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5b. Please explain your choice (optional)**

*3000 character(s) maximum*

**5c. Are there any other problems not mentioned here which you think should be addressed relating to consumers and air tickets? (optional)**

*3000 character(s) maximum*

**Section C. Views on objectives and possible policy measures**

---

**6. The general objective of this initiative, in line with the direction set by the Sustainable and Smart Mobility Strategy, is to shape a more resilient and more sustainable EU air services industry, while maintaining the highest levels of air safety and continuing to ensure connectivity and competition in the sector, to protect consumer interests, and preserve high quality employment.**

**6. Please indicate your level of agreement with this general objective**

- Fully agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Fully disagree
- No opinion

**6a. The specific objectives of the initiative are intended to respond in more detail to the problems described above, and will guide the choice of policy measures. Six possible specific objectives have been identified.**

**6a. Please rate the relevance of the objectives below, from 1 (low relevance ) to 5 (high relevance). More than one objective can be given the same rating, and the list is not exhaustive. Not all of them need to be rated.**

	1	2	3	4	5
Promote the resilience and competitiveness of the EU air services market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Enable authorities to respond to crisis situations in an agile and timely manner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Ensure that authorities are able to fulfil their tasks effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Promote environmentally sustainable connectivity for all EU regions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Promote socially responsible connectivity for all EU regions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support consumers to make better informed choices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**6b. Please explain your choice (optional)**

*3000 character(s) maximum*

**6c. Should any other specific objectives be considered in response to the problems described above? (optional)**

*3000 character(s) maximum*

**7. The tables below contain a number of possible measures to address the first set of problems concerning the financial fitness of the air services market as a whole, its resilience and its competitiveness.**

**Please rate the measures below in the table from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated. The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.**

**7a. Possible measures to address Problem 1a**

	1	2	3	4	5
Encourage passenger carriers to build higher levels of cash reserves (beyond the minimum required levels) in non-crisis times	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarify that national authorities should assess carriers' ability to withstand pandemic-type scenarios, as part of their financial oversight duties.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increase the amount of capital passenger carriers are required to hold (e.g. equivalent to 6 or 9 months of fixed and operational costs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Require passenger carriers to put in place additional mechanisms which will allow them to ensure sufficient liquidity in a crisis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**7b. Possible measures to address Problem 1b**

	1	2	3	4	5
Further clarify the application of current ownership and control requirements, e.g. in case of complex ownership structures	<input type="radio"/>				
Remove or reduce the limit on non-EU ownership of EU carriers, but retain the requirement for effective control to be in EU hands	<input type="radio"/>				
Remove or reduce the limits on ownership and control of EU carriers for certain types of non-EU institutional investors, such as pension funds	<input type="radio"/>				
Remove or reduce the limits on ownership and control of EU carriers for investors from certain non-EU countries (please specify below)	<input type="radio"/>				
Remove or reduce the limits on ownership and control of EU carriers for all non-EU investors	<input type="radio"/>				

**7c. Please explain your choice(s) (optional)**

*3000 character(s) maximum*

**7d. Should any other measures be considered in response to this set of problems? (optional)**

*3000 character(s) maximum*

8. During the Covid-19 outbreak, the EU temporarily amended the Air Services Regulation to allow Member States the flexibility not to revoke or suspend the operating licence of an air carrier in financial difficulties (and/or issue a temporary licence) if safety was not at risk and there was a reasonable prospect of a satisfactory financial reconstruction within 12 months. The Commission was granted the power to extend the period in which this measure applied, which it exercised once to extend the original expiry date of 31 December 2020, by a year to 31 December 2021.

**8a. On a scale from 1 (strongly disagree) to 5 (strongly agree), what is your view of the success of this measure, in terms of effectiveness, efficiency, relevance, and coherence?**

	1	2	3	4	5
The measure was effective	<input type="radio"/>				
The measure was efficient	<input type="radio"/>				
The measure was relevant to the problem	<input type="radio"/>				
The measure was coherent with existing legislation and guidance and /or other measures being taken	<input type="radio"/>				
The measure was proportionate	<input type="radio"/>				

**8b. Please explain your choices (optional)**

*3000 character(s) maximum*

9. During the Covid-19 outbreak, the EU temporarily amended the Air Services Regulation to allow Member States greater flexibility to ban or limit flights, to deal with problems related to the pandemic which could be of extended duration. This measure was in force until 31 December 2020. The Commission was granted the power to extend the period in which this measure applied, but did not exercise it as it was felt that other health and sanitary measures being adopted were more appropriate and no longer warranted the imposition of intra-EU flight limitations.

**9a. On a scale from 1 (strongly disagree) to 5 (strongly agree), what is your view of the success of this measure, in terms of effectiveness, efficiency, relevance, and coherence?**

	1	2	3	4	5
	<input type="radio"/>				

The measure was effective	<input type="radio"/>				
The measure was efficient	<input type="radio"/>				
The measure was relevant to the problem	<input type="radio"/>				
The measure was coherent with existing legislation and guidance and /or other measures being taken	<input type="radio"/>				
The measure was proportionate	<input type="radio"/>				

### 9b. Please explain your choices (optional)

*3000 character(s) maximum*

**10. During the crisis, the Commission services published guidance on how Member States could temporarily ensure basic air connectivity during the pandemic on an emergency basis, when airlines' commercial operations had largely stopped.**

**10a. On a scale from 1 (strongly disagree) to 5 (strongly agree), what is your view of the success of this measure, in terms of effectiveness, efficiency, relevance, and coherence?**

	1	2	3	4	5
The measure was effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The measure was efficient	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The measure was relevant to the problem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The measure was coherent with existing legislation and guidance and /or other measures being taken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The measure was proportionate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### 10b. Please explain your choices (optional)

*3000 character(s) maximum*

**11. The table below contains a number of possible measures to address the second set of problems concerning the insufficient resilience of the regulatory framework for air services.**

**Please rate the measures below in the table from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated. The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.**

**11a. Possible measures to address problem 2a**

	1	2	3	4	5
Increase flexibility and clarity for national authorities to deal with situations where a carrier is facing financial difficulties, including the option of issuing a temporary licence	<input type="radio"/>				
Increase flexibility and clarity for national authorities to deal with situations where a carrier is facing financial difficulties, without the option of issuing a temporary licence	<input type="radio"/>				

**11b. Possible measures to address problem 2b**

	1	2	3	4	5
Allow Member States to restrict flights for a longer period of time than the existing 14 days, to deal with a sudden crisis that could be of extended duration, while maintaining strict conditions for this right	<input type="radio"/>				
Allow for a more rapid reaction from the EU with regard to Member States' emergency measures to restrict flights to deal with a sudden crisis (e.g. by empowering the Commission to adopt delegated acts)	<input type="radio"/>				
Allow for more flexible procedures for the introduction / adjustment of public service obligations in emergency or crisis situations, without undermining single market principles and existing case law (in particular on State aid)	<input type="radio"/>				

**11c. Please explain your choices (optional)**

*3000 character(s) maximum*

**11d. Should any other measures be considered in response to this set of problems? (optional)**

*3000 character(s) maximum*

**12. The table below contains a number of possible measures to address the third problem.**

Please rate the measures below in the table from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated. The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Regulation, soft law (including guidance) and improved enforcement. These measures are not necessarily mutually exclusive, and a combination of measures could be envisaged.

**12a. Possible measures to address problem 3a**

	1	2	3	4	5

Further allow EU countries to include sustainability criteria in public service obligations (e.g. allowing the possibility to impose use of most efficient regional aircraft (in terms of CO2 impact) on relevant routes, ensuring capacity is adapted to the PSO volume, or incorporating other modes of transport where suitable alternatives exist)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require EU countries to include sustainability criteria in public service obligations (e.g. imposing the use of most efficient regional aircraft (in terms of CO2 impact) on relevant routes, ensuring capacity is adapted to the PSO volume, or incorporating other modes of transport where suitable alternatives exist)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Provide for longer public service obligation contracts, if justified in the context of a requirement to allocate new-generation aircraft on PSO routes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 12b. Possible measures to address Problem 3b

	1	2	3	4	5
Authorities should be able to ban or limit flights for environmental reasons only if there are more sustainable modes of transport offering comparable connectivity (such as in terms of frequencies and time schedules) for the route	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Authorities should be able to ban or limit flights for environmental reasons without any other conditions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Authorities should be able to impose conditions such as minimum air fare prices (e.g. not less than applicable taxes, fees and charges) to encourage the use of more sustainable modes of transport offering comparable connectivity for the route	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Before banning or limiting flights for environmental reasons or imposing conditions, the responsible authority should consult interested parties and make a detailed assessment of the environmental, social and economic impact, from both a short and long-term perspective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
A limitation or a ban on flights for environmental reasons should be limited in time and subject to review after a few years	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Authorities should no longer be able to ban or restrict flights on environmental grounds – the objective of carbon neutral travel should be pursued through other means such as incentivising better quality, frequency and timetables offered by other modes of transport	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 12c. Please explain your choices (optional)

*3000 character(s) maximum*

Before banning or limiting flights for environmental reasons or imposing conditions, the responsible authority should consult interested parties - including passengers' organisations. Ideally the transition to more sustainable mobility should be achieved by better quality of service rather than by prohibiting flights as such.

**12d. Should any other measures be considered in response to this set of problems? (optional)**

*3000 character(s) maximum*

**13. The table below contains a number of possible measures to address the fourth problem, that authorities sometimes find it difficult to fully enforce applicable labour law in respect of aircrews.**

**13a. Please rate the measures below in the table from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated. The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Regulation, soft law (including guidance) and improved enforcement. These measures are not mutually exclusive, and a combination of measures could be envisaged.**

	1	2	3	4	5
Require carriers to notify the relevant authorities if and when they assign any aircrew to a base outside their principal place of business to support better enforcement of existing labour laws	<input type="radio"/>				
Clarify what constitutes an operational base outside the carrier's principal place of business to support better enforcement of existing labour laws	<input type="radio"/>				

**13b. Please explain your choices (optional)**

*3000 character(s) maximum*

**13c. Should any other measures be considered in response to this set of problems? (optional)**

*3000 character(s) maximum*

**14. The table below contains a number of possible measures to address the fifth problem, that customers are not always able to make fully informed choices on air tickets.**

**14a. Please rate the measures below in the table from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated. The policy measures**

**described below are without prejudice to the instrument used, and may entail a mix of amendments to the Regulation, soft law (including guidance) and improved enforcement. These measures are not mutually exclusive, and combinations of measures could also be envisaged.**

	1	2	3	4	5
Require anyone displaying air ticket offers to clearly communicate which price elements are reimbursable in case the passenger cancels or does not turn up for boarding (“no-show”)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require anyone displaying air ticket offers to continue to clearly display the current breakdown of price into air fare, taxes, fees and charges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require anyone displaying air ticket offers to clearly state what is included in the ticket	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require anyone displaying air ticket offers to clearly state if certain common services are not included in the ticket	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require airlines to include certain features and services in their most basic tickets (for example, sitting with others in the same booking, seat selection, hand luggage, drinks, meals, checked luggage)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require airlines to provide information on their emission reduction efforts when they offer or publish air fares, to allow consumers to make informed choices	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Align price transparency rules with efforts to promote more sustainable modes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarifying the cases and criteria for EU countries to promote transparency for consumers about the carbon footprint of the flights they are considering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**14b. Please explain your choices (optional)**

*3000 character(s) maximum*

**14c. Should any other measures be considered in response to this set of problems? (optional)**

*3000 character(s) maximum*

**15. If you wish to add further information or comments - within the scope of this questionnaire - please feel free to do so here.**

*3000 character(s) maximum*

**16. Please feel free to upload a concise document, such as additional evidence supporting your responses or a position paper. The maximum file size is 1 M B .**

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.*

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**14e6b685-44f6-43a4-be43-a061a770934b/20190930\_EPF\_Position\_Paper\_price\_transparency\_final.pdf**

## **Contact**

MOVE-E1-SECRETARIAT@ec.europa.eu