

Aviation – EU air services rules (revision)

Fields marked with * are mandatory.

Introduction

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
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- ☐ Portuguese
- ☐ Romanian

- ☐ Slovak
- ☐ Slovenian
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- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☒ 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

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

532739823521-44

*Country of origin

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

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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Republic of the
Congo
- ☐ Lesotho
- ☐ Saint Kitts and
Nevis
- ☐ Zimbabwe
- ☐ Denmark
- ☐ Liberia
- ☐ Saint Lucia

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](#)

Section B. Views on Objectives

The general objective of the initiative is **to shape a more resilient, competitive and more sustainable air services industry, while maintaining the highest levels of air safety and continuing to ensure connectivity, to protect consumer interests, and preserve high quality employment.**

Please indicate your level of agreement with the general objective

	Strongly Disagree	Disagree	No opinion / Don't know	Agree	Strongly Agree
* General Objective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

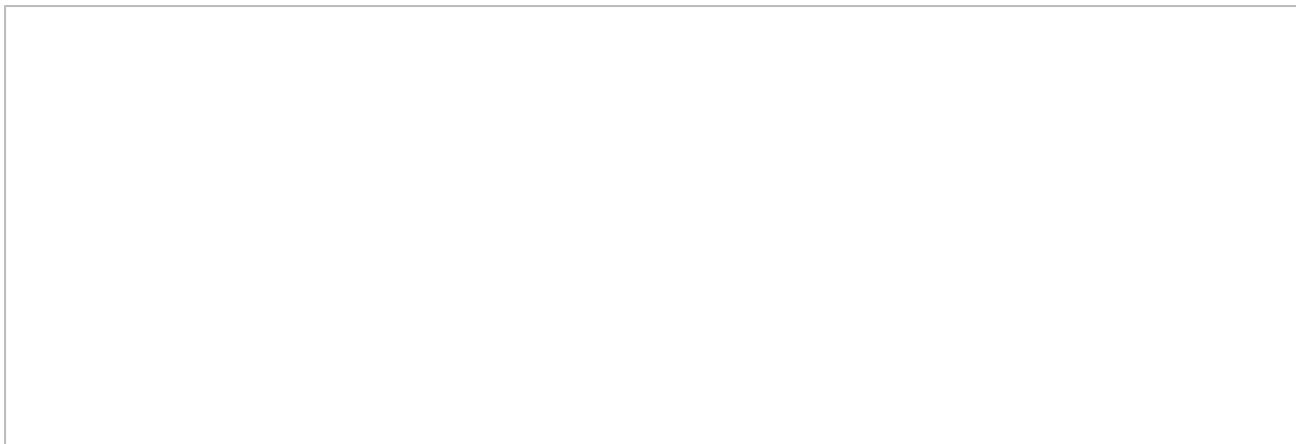
The specific objectives of the initiative are intended to respond in more detail to the problems described in Section C, and will guide the choice of policy measures. Five possible specific objectives have been identified.

Please indicate your level of agreement with the specific objectives

	Strongly Disagree	Disagree	No opinion / Don't know	Agree	Strongly Agree
* Improve regulatory resilience and the good functioning of the air services market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Support the global competitiveness of EU air carriers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Promote environmentally sustainable and socially responsible connectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Help consumers to make better informed choices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Simplify rules and reduce administrative burden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Should any other specific objectives be considered in response to the problems described above?

3000 character(s) maximum



Section C. Views on the problems and possible policy measures

This initiative aims to address 10 distinct sets of problems, which are described below. The Commission intends to assess the appropriateness of various measures that address the problems identified.

Problem 1: The EU air services market is not sufficiently resilient in the face of disruptions and crises.

The Air Services Regulation sets a minimum level of capital that carriers should have, primarily to ensure that financial difficulties do not pose a risk to safety. The Regulation gives Member States the possibility to allow air carriers in financial difficulties to continue operating under a ‘temporary licence’ as long as there is no risk to safety, in order to provide flexibility for restructuring or wind-down, but it does not always provide an adequate framework.

The COVID-19 pandemic also demonstrated the importance of minimum capital levels to avoid short-term liquidity or solvency issues in such crisis situations. Temporary measures giving authorities greater flexibility in the oversight of air carriers in financial difficulty allowed for the successful refinancing or restructuring of air carriers in financial difficulties, which otherwise might not have been possible. 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 as to whether certain carriers held sufficient 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 in the period after a crisis recedes. During the COVID-19 pandemic, many carriers were also unable to meet their obligations to reimburse pre-paid tickets to passengers or, where relevant, package organisers and other intermediaries, within the legal deadlines in the context of massive cancellations of flights. In addition, there is no compulsory protection of passengers against the insolvency of an air carrier. The COVID-19 pandemic also demonstrated other shortcomings in the regulatory framework. It highlighted that authorities lack flexibility in dealing with disruptions and crisis situations, including a lack of flexibility to allow Member States to impose public service obligations (PSOs) and emergency restrictions on traffic rights. The two bullet points below discuss in more detail these two issues of PSOs and emergency restrictions on traffic rights.

- Some Member States needed to urgently adapt or put in place PSOs during the pandemic to ensure basic connectivity and security of supply of essential items, including food and medicine. The rules on PSOs only allow for the imposition of an emergency PSO in cases where there is already an existing PSO being operated with exclusive rights (so-called 'restricted PSO'). There was therefore a gap between such restricted PSO routes and routes subject to existing PSOs without exclusive rights (so-called 'open PSO'), as well as routes not subject to any PSO. This gap meant it was difficult for authorities to act quickly by imposing emergency PSOs on open PSO routes or routes not subject to any PSO to ensure basic connectivity and security of supply in the event of a sudden interruption of traffic. Outermost regions rely significantly on air transport for all economic activities and access to essential services, and these outermost regions were particularly heavily impacted during the pandemic.
- Member States can take measures to restrict or ban air traffic rights in a short-term emergency, but the COVID-19 pandemic highlighted that both: (i) their possibilities are limited in cases where the crisis exceeds 14 days; (ii) these restrictions or bans also involve a procedural burden for both the authorities and the Commission.

In addition, since at least 2016, airlines have been concerned about the impact on their freedom to provide services during delays and cancellations due to strikes by air traffic controllers (ATCs). The impact of these strikes also affects flights which do not depart from or land in the country whose ATC is on strike, but simply overfly that country's airspace. This can have knock-on effects for passengers across the whole EU route network. Some Member States provide for full protection of such overflights in the event of ATC strikes. This is a sensitive issue since it concerns the balance between airlines' freedom to provide services and workers' right to strike.

Please indicate your level of agreement with the following statements.

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 1: The EU air services market is not sufficiently resilient in the face of disruptions and crises	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
This is a result of:					
1a. Authorities not always being able to effectively monitor carriers' financial situations, or to respond effectively if they detect financial difficulties	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
1b Difficulties getting reimbursements or being repatriated in case of airline insolvency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

1c Authorities not being 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"/>
1d Overflights not being sufficiently protected when air traffic controllers strike	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (very serious)	Don't know
Problem 1: The EU air services market is not sufficiently resilient in the face of disruptions and crises	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
This is a result of:						
1a. Authorities not always being able to effectively monitor carriers' financial situations, or to respond effectively if they detect financial difficulties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
1b. Difficulties getting reimbursements or being repatriated in case of airline insolvency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
1c. Authorities not being 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
1d. Overflights not being sufficiently protected when air traffic controllers strike	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures.

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Require Member States to assess regularly the crisis resilience of large passenger air carriers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Clarify that the existing capital requirements for air carriers (ability to meet fixed and operational costs without taking into account revenue from operations for three months) apply on an ongoing basis.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase capital requirements for air carriers (ability to meet fixed and operational costs without taking into account revenue from operations) from three to six months.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require large passenger carriers to have in place contingency arrangements (insurance, convertible bonds, credit lines or similar agreements) to prevent cash reserves going below the level required to maintain an operating licence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Oblige Member States to share information with each other to facilitate operating licence supervision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Repeal the system of temporary licences and replace it with a system based on a structured dialogue between the authority and the air carrier.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide Member States with the possibility of a structured dialogue for carriers in financial difficulties, alongside the system of temporary licences.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encourage airlines to offer cheap tickets to passengers who need to be repatriated when					

an airline goes bankrupt (“rescue fares”), including to passengers who booked their tickets via intermediary ticket vendors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require Member States to nominate a Member State authority as responsible for coordinating the repatriation of EU residents and EU citizens with a return ticket to a Member State, in a situation that is not an emergency one and where commercial flights are available. This would include liaising with counterparts and airlines, negotiating rescue fares and providing information to affected passengers through its website and other channels.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Create reimbursement and repatriation guarantee funds, paid for by a surcharge on all air tickets, allowing passengers and package travel organisers to draw on in the event of flight cancellations, where the air carrier is unable to ensure reimbursement and, if necessary, repatriation due to insolvency or serious liquidity problems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Create passenger guarantee funds, paid for by a surcharge on all air tickets, allowing passengers and package travel organisers to draw on in the event of flight cancellations, where the air carrier is unable to ensure reimbursement due to serious liquidity problems, but where the air carrier does not enter insolvency and retains its operating licence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Allow Member States to award an emergency PSO for a short pre-defined period in the event of a sudden interruption of service on existing open PSO routes after which they would need to tender the route.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
In the event of a sudden crisis where basic connectivity needs to be ensured, authorise Member States to award a PSO directly for a short pre-defined period on routes which were not subject to a PSO, and allow this awarded PSO to be renewed/prolonged a limited number of times.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Allow Member States to extend limitations on traffic rights for up to three months rather than the current 14 days at a time, in the event of a persistent crisis of longer duration, and remove the obligation for the Commission to formally approve extensions of limitations on traffic rights imposed by Member States.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require Member States to ensure a common minimum strike notice period (including individual prior notifications) of 15 days for ATC strikes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require Member States to ensure the preservation of all overflights in the event of ATC strikes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require Member States to ensure the preservation of all intra-EU overflights in the event of ATC strikes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Make Member States liable for compensation and reimbursement to passengers in the event of delay/cancellation to overflights due to ATC strikes in their Member States.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Passengers currently lack effective protection if their airline goes bankrupt or faces a liquidity crisis, leaving them at risk of lost tickets and difficulties with repatriation. Existing insolvency schemes are partial and inconsistent. EPF calls for a mandatory airline insolvency protection mechanism/ guarantee scheme covering both ticket refunds and repatriation costs. In addition, to address stranded passengers' immediate needs, EPF calls for the designation of a public authority in each Member State to assist passengers by providing information, arranging re-routing or repatriation at limited or no cost, and, if necessary, accommodation while taking into account the needs of persons with reduced mobility or disabilities - aligned with the TRAN proposal on contingency planning for mass disruptions in the context of the Air Passenger Rights Regulation review. These measures would align passenger rights under the Package Travel Directive and the Air Passenger Rights Regulation.

Should any other elements be considered? (optional)

1000 character(s) maximum

Passengers with standalone flights should have the same cancellation rights as those on package trips: in cases of a major crisis at the departure or destination location (e.g., a health crisis, terrorist attack, or natural disaster), without paying a fee, and for other reasons with a clear, reasonable termination fee stated at booking. Compliance with existing regulations - including on price transparency, insolvency protection, and passenger rights - should be a key condition for airlines to obtain and retain a license. Airlines that repeatedly fail to comply should face sanctions, such as blacklisting and, ultimately, license revocation.

Problem 2: Elevated costs and an unequal playing field hamper EU air carriers' ability to rebuild balance sheets and compete internationally, potentially undermining decarbonisation efforts

The Air Services Regulation requires EU air carriers to be majority owned and effectively controlled by EU nationals and/or EU Member States. Ownership and control (O&C) requirements for obtaining an operating licence, based on nationality criteria, are a common feature in the international aviation sector, and compliance with these O&C rules is often the basis for accessing international traffic rights under air services agreements. The evaluation released in 2019 already identified – before the outbreak of the COVID-19 pandemic – that existing O&C 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, and this 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.

The EU Emissions Trading Scheme (EU ETS) currently only applies to intra-EU flights and the ICAO's Carbon Offsetting and Reduction Scheme for Aviation (CORSIA) applies to long-haul flights (extra-EU), while the ReFuelEU Aviation Regulation (RFEUA) applies only to flights departing from EU airports within the scope of the RFEUA (via sustainable aviation fuel (SAF) mandates on fuel suppliers).

The greater ambition of these EU decarbonisation policies compared with those of non-EU countries with a lower level of climate ambition may contribute to carriers with hubs in non-EU countries which may often face lower costs than EU carriers on long-haul routes, in particular for passengers who do not travel directly but add a stopover before reaching their final destination. Price-sensitive passengers may therefore choose cheaper non-EU carriers, which in turn could undermine EU carriers' ability to generate revenues and further invest in decarbonisation, while also potentially leading to carbon 'leakage', impacting the competitiveness of EU carriers and ultimately reducing the overall effectiveness of the EU decarbonisation framework.

The Russian war of aggression against Ukraine led to the closure of Russian airspace to EU air carriers, and recommendations through the European Union Aviation Safety Agency's (EASA) 'EU Conflict Zone Alerting System' for EU air carriers not to operate in affected Russian airspace for safety reasons. The EU Conflict Zone Alerting System is intended to protect passengers travelling inside and outside of Europe. This system is of a technical nature and therefore addressed at aircraft operators. The alerts issued by this system may not be easily understood by the general public.

European air carriers have in line with the Conflict Zone Alerting System rerouted their flight plans to Asia, avoiding the EASA-designated conflict zones. This has had an impact on European carriers' competitiveness, as the rerouting adds additional hours to their flights and increases fuel costs, while carriers from some non-EU countries continue to overfly these areas. Something that given the technical nature of the alerts may not be clear for the general public.

It has been noted that non-EU carriers may access intra-EU traffic rights without complying with all the rules applicable to EU air carriers. The Air Services Regulation sets the rules for operating licences and access to the single market for EU air carriers. Non-EU air carriers do not have the unrestricted access to the single

market enjoyed by EU air carriers, but in some cases, on the basis of bilateral air services agreements between the Member States and non-EU countries, these non-EU air carriers are allowed to provide air services between two Member States. As a result, some non-EU air carriers provide intra-EU air services without complying with all the rules applicable to EU air carriers (e.g. operating licence requirements including on principal place of business – with the accompanying taxation, competition and labour law requirements). Although the scale of this problem is estimated to be relatively small, it does mean that in some cases, EU carriers and non-EU carriers might be competing on routes between Member States while subject to substantially different regulatory requirements.

Please indicate your level of agreement with the following statements

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
<p>Problem 2: Elevated costs and an unequal playing field hamper EU air carriers' ability to rebuild balance sheets and compete internationally, potentially undermining decarbonisation efforts</p> <p>This is a result of:</p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2a: Limits on access to non-EU capital as a result of rules on ownership and control.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2b: Distortions as a result of different levels of ambition in decarbonisation policies	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2c: Longer routes than some international competitors due to airspace closures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2d: Non-reciprocal access by non-EU air carriers to certain intra-EU traffic rights.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (very serious)	Don't know
<p>Problem 2: Elevated costs and an unequal playing field hamper EU air carriers' ability to rebuild balance sheets and compete internationally, potentially undermining decarbonisation efforts.</p> <p>This is a result of:</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

2a: Limits on access to non-EU capital as a result of rules on ownership and control.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2b: Distortions as a result of different levels of ambition in decarbonisation policies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2c: Longer routes than some international competitors due to airspace closures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
2d: Non-reciprocal access by non-EU air carriers to certain intra-EU traffic rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures.

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Clarification of the current O&C rules, in particular for complex structures.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remove all ownership restrictions but maintain the requirement for EU effective control.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relaxation of O&C rules for non-EU institutional investors only (e.g. pension funds).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Case-by-case relaxation of O&C rules for investors from certain non-EU countries.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relaxation of O&C rules for all investors, with an aviation-specific screening mechanism to address strategic concerns.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Require passengers to be informed at the start of the booking process about air tickets where one or more legs is not covered by EU legislation aimed at decarbonising aviation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide an EU-level framework enabling Member States to impose a levy on journeys with a departure point in the EU, where one or more legs of that journey is not subject to EU legislation aimed at decarbonising aviation or equivalent non-EU-country or international rules. The levy would cover the full journey from departure to final destination and would serve to mitigate carbon leakage risks.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require Member States to impose a levy on journeys with a departure point in the EU, where one or more legs of that journey is not subject to EU legislation aimed at decarbonising aviation or equivalent non-EU-country or international rules. The levy would cover the full journey from departure to final destination and would serve to mitigate carbon leakage risks.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Add the fuel-taxation clause to the standard list of clauses Member States are required to include in their bilateral air services agreements with non-EU countries.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require passengers to be informed at the start of the booking process about air carriers which do not comply with the EASA Conflict Zone Alert System guidance, that their flight may pass over a conflict zone.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow Member States to impose a departure /arrival levy on flights operated by air carriers which do not comply with the EASA Conflict Zone Alert System.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remove the possibility for non-EU-country carriers to operate intra-EU air services, unless authorised through an agreement with a non-EU-country to which the EU is a party	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

While EPF does not take a stance on specific policy options, it supports the principle that all airlines operating to or from the EU - whether EU or non-EU carriers - should comply with the same rules, in particular, but not only, for intra-EU flights. This includes compliance with safety measures such as the EASA Conflict Zone Alert System and, where relevant, levies to ensure non-EU airlines contribute equally to decarbonisation - in line with the 'polluter pays' principle. Similarly, EPF supports extending Air Passenger Rights, as proposed by TRAN, to cover ALL flights arriving at or departing from the EU, including those operated by non-EU carriers.

Should any other elements be considered? (optional)

1000 character(s) maximum

Ownership and Control Guidelines

In 2017, the Commission published interpretative guidelines on the interpretation of O&C rules, with a view to improving legal clarity and supporting a common approach to application across different Member States. The evaluation highlighted that, despite the publication of these guidelines, there remained areas of uncertainty, in particular around the treatment of complex O&C structures. Alongside possible changes to the rules, the Commission would also be interested to hear from stakeholders about difficulties or a lack of clarity in interpreting and applying O&C rules in practice. Preliminary analysis and feedback suggests that the following issues may require further clarification.

Please indicate your level of agreement with the need to further clarify the following aspects in respect of the application of Ownership & Control rules

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Timelines for assessment and frequency of checks	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treatment of funds/trusts/foundations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dual nationality of shareholders	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
What qualifies as equity capital	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ownership via intermediary structures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial relationships (e.g. loan agreements) between shareholders	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Multiple share classes with different characteristics	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mutual funds (e.g. pension funds) and other collectivised investment vehicles	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain if there are any other problems on the interpretation of Ownership & Control rules which would benefit from further clarification.

3000 character(s) maximum

While EPF does not take a position on specific policy options, we wish to highlight the growing risk of further consolidation in the airline market. Liberalization has long delivered cheaper, safer, and more extensive air connections across the EU, driven by strong competition among airlines. Today, however, successive mergers have created increasingly dominant airline groups, and further concentration is imminent. Experience from other markets, such as the U.S., shows that excessive consolidation can lead to higher prices, lower service quality, and reduced passenger satisfaction. The European Commission should therefore rigorously assess the potential anti-competitive effects of proposed mergers and, where serious concerns arise, use all available tools to protect competition - up to and including blocking incompatible deals or imposing strong remedies.

Problem 3: Lack of clarity around environmental flight bans and questions over the effectiveness of environmental flight bans in promoting sustainable connectivity

The Air Services Regulation provides EU air carriers with the right to operate intra-EU services. As one of the exceptions to this freedom, Member States may temporarily constrain this right under Article 20 'when serious environmental problems exist', under strict conditions.

Such measures must: (i) be non-discriminatory; (ii) not distort competition between air carriers; (iii) not be more restrictive than necessary to relieve the problems; and (iv) be limited to a maximum of three years, at which point they must be reviewed, in line with Article 20. The restrictions may in particular be applied where other modes of transport provide appropriate levels of service for people wishing to travel on the route concerned.

One Member State has so far put in place a temporary restriction under Article 20, with the aim of addressing greenhouse gas emissions and climate change. At the time this temporary restriction was put in place by that Member State, the background and drafting of the provision gave rise to uncertainty in its interpretation. However, the scope for national authorities to take such temporary-restriction actions was clarified by the Commission in 2022 in respect of the measure planned by the Member State. The measure entered into force in 2023.

There may still be a lack of clarity about situations and criteria under which a Member State can restrict market access on environmental grounds to address climate change. A lack of clarity places an administrative

burden on both national authorities looking to introduce such measures, and the Commission, which is charged with overseeing such measures. Ultimately, a lack of clarity may undermine the effectiveness of the intended measure.

With the EU's Fit-for-55 legislation now in force (for aviation, this means mainly the ReFuelEU Aviation Regulation, the EU Emissions Trading System Directive and the Alternative Fuels Infrastructure Regulation), the aviation sector has a clear framework for the path to decarbonisation.

Responses to the call for evidence on this topic were varied. Questions therefore remain about how flight bans may contribute to promoting sustainable connectivity, and whether restricting traffic rights are the most appropriate, proportionate or effective tool for targeting greenhouse gas emissions or global climate-change problems.

Some respondents to the call for evidence also raised concerns about noise, despite a separate dedicated regulation aimed at managing noise at airports. There may therefore also be a lack of clarity in respect of other local environmental issues such as air pollution or noise.

Please indicate your level of agreement with the problem statements

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
<p>Problem 3a: There is a lack of clarity about when national authorities may implement flight bans on environmental grounds to address climate change</p> <p>This is because:</p>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
3a.1 Flight bans are not the most appropriate or effective tool to promote sustainable connectivity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3a.2 Questions remain about how flight bans can best contribute to promoting sustainable connectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3a.3 National and EU authorities face difficulties in implementing environmental flight bans because of the unavailability of other modes of transport that provide an appropriate level of service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Problem 3b: There is a lack of clarity about use of flight bans to address other environmental problems.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Specifically:					
3b.1 Noise	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
3b.2 Local air pollution	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (very serious)	Don't know
Problem 3a: There is a lack of clarity about when national authorities may implement flight bans on environmental grounds to address climate change. This is because:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3a.1 Flight bans are not the most appropriate or effective tool to promote sustainable connectivity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3a.2 Questions remain about how flight bans can best contribute to promoting sustainable connectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3a.3 National and EU authorities face difficulties in implementing environmental flight bans because of the unavailability of other modes of transport that provide an appropriate level of service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Problem 3b: There is a lack of clarity about use of flight bans to address other environmental problems. Specifically:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3b.1 Noise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
3b.2 Local air pollution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures.

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Require Member States to receive prior approval of the Commission for proposals to ban or limit flights for serious environmental reasons (instead of the current Commission power to suspend non-compliant measures).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allow Member States to ban or limit flights for serious global environmental reasons, such as climate change, only when other available measures are exhausted, including if more sustainable modes of transport offer comparable connectivity for the route (such as in terms of frequencies and time schedules).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Allow Member States to require zero emissions aircraft on short routes (under 500 km), where the market is sufficiently developed to ensure competition between air carriers on the route, without a disproportionate impact on connectivity or price. and on a non-discriminatory basis among EU air carriers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require Member States to carry out a consultation of interested parties and conduct a full impact assessment before banning or limiting flights for serious environmental reasons, similar to those imposed under Regulation (EU) No 598/2014 (Balanced Approach Regulation) in respect of noise-related operating restrictions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the question above (optional)

1000 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.

If short-haul flights are banned, sufficient sustainable mobility options must be ensured. The example of France shows that banning short-haul flights without sufficiently expanding SNCF rail capacity can push travelers toward road transport instead of rail.

The zero-emissions aircraft market is currently too immature to mandate their use, though it would make sense for environmental criteria to be considered in evaluating PSO bids - see problem 10 below.

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 4: Authorities face challenges in fully enforcing applicable labour laws for aircrews

The single market has made it possible for airlines to innovate and operate out of multiple operational bases to the benefit of connectivity, competition and passengers. Therefore, determining which country's labour laws apply to aircrews has become more complex. Notable improvements have been made since this issue was first raised. For example, the Practice Guide prepared by the European Judicial Network was updated in 2020 to provide more clarity for mobile workers including aircrews.

If existing national labour law rules are ineffectively enforced by the countries responsible, this can be 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 or of which Member State is responsible for enforcing the rules.

Labour representatives have also raised concerns about other situations where there may be difficulties for authorities to enforce labour law effectively, such as for wet lease business models, and in respect of use of non-traditional contracts for aircrew (self-employment, "pay-to-fly").

Please indicate your level of agreement with the following statements

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 4: Authorities face challenges in fully enforcing applicable labour laws for					

aircrews.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
In the following situations:					
4a: when air carriers have an operational base in another Member State	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
4b: wet lease contracts between different Member States	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 4: Authorities face challenges in fully enforcing applicable labour laws for aircrews.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
In the following situations:						
4a: when air carriers have an operational base in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4b: wet lease contracts between different Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree

Require carriers to notify the relevant authorities when they open an operational base outside their principal place of business (PPoB).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require carriers to notify the relevant authorities when they assign any aircrew to an operational base outside their PPoB, including in the context of a wet lease.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require the relevant authorities in the PPoB Member State to notify the relevant authorities in another Member State when a carrier opens an operational base or makes recourse to a wet lease in that Member State.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarify what constitutes an operational base outside the carrier's PPoB.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 5: Customers are not always able to make fully informed choices on air tickets

The Air Services 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, fees and charges/surcharges ('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 on reimbursement in the event 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 effective price comparison for passengers given the 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.

There is also a lack of clarity about how much hand luggage should be included for free in all fare classes: in case C-487/12 Vueling, the European Court of Justice ruled that hand baggage must be considered, in principle, as constituting a necessary aspect of the carriage of passengers and, thus, no price supplements can be applied as long as the hand baggage meets reasonable requirements in terms of its weight and dimensions (the criterion of reasonableness), and complies with applicable security (the criterion of safety). However, it is not clear exactly what constitute 'reasonable requirements in terms of weight and dimensions'.

At the same time, some stakeholders have underlined that the increasing diversification of services offered (e. g. whereby checked-in luggage or the ability to select seats have become optional) should not be seen as a negative trend only, as it has enabled cheaper fares for consumers for fewer services, allowing consumers to benefit from new travel opportunities.

Some stakeholders have also raised concerns about other areas where there may be a lack of clarity about airlines' terms and conditions of carriage, including as regards unaccompanied minors and the carriage of pets in the cabin.

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 on air tickets.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
a. Consumers are not sufficiently informed about what is reimbursable (including taxes and charges) if they decide to cancel their ticket.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. 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"/>

c. Consumers are not clearly and sufficiently informed about the free luggage allowance permitted within an air ticket	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Airlines' policies on cabin luggage are too different from each other to compare easily	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Airlines' policies on reserved seats are too different from each other to compare easily	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Airlines' policies on unaccompanied minors are too different from each other to compare easily.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Airlines' policies on transport of pets are too different from each other to compare easily.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 5: Customers are not always able to make fully informed choices on air tickets.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
a. Consumers are not sufficiently informed about what is reimbursable (including taxes and charges) if they decide to cancel their ticket.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b. Consumers are not able to compare prices of different ticket offers effectively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c. Consumers are not clearly and sufficiently informed about the free luggage allowance permitted within an air ticket	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d. Airlines' policies on cabin luggage are too different from each other to compare easily	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
e. Airlines' policies on reserved seats are too different from each other to compare easily	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
f. Airlines' policies on unaccompanied minors are too different from each other to compare easily.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
g. Airlines' policies on transport of pets are too different from each other to compare easily	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

As stated in its preamble (recitals 15 and 16), one of the objectives of the Air Services Regulation is to allow consumers to effectively compare prices among different providers and to ensure non-discriminatory access to air fares – an objective that EPF fully supports. Unfortunately, it has become increasingly difficult for passengers to compare prices across airlines. Not all fares are available on all distribution channels and there is no like-for-like comparison. Airlines increasingly unbundle their products and charge extra for ancillary services such as luggage, seat reservation etc. For passengers, as a result, it has become very unclear which services they can expect to be included in the basic price, and which ones are optional, i.e., selected on an opt-in basis. Additional fees for such services vary greatly across airlines and are often not included in the final price shown at the beginning of the booking process, which makes effective comparison very difficult.

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Require anyone offering tickets for sale to communicate which price elements are reimbursable if 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 the price of optional price supplements to be displayed next to the fare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require all air tickets to include a "personal item" of hand luggage with dimensions 40cm x 30cm x 20cm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require all air tickets to include at least an item of hand luggage or an item of checked luggage with dimensions 56cm x 45cm x 25cm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require air carriers to allow all passengers in a booking to sit together at no extra cost if there are children in the booking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require air carriers to allow all passengers in a booking to sit together at no extra cost	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Require air carriers to display clearly the policy on carriage of unaccompanied minors at the start of the booking process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Require air carriers to allow unaccompanied minors to fly with them	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require air carriers to display clearly the policy on carriage of pets at the start of the booking process	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require air carriers to allow passengers to bring pets with them in the cabin as long as they comply with safety rules	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

To safeguard and enhance price competition and price transparency, specific provisions are needed with regard to ancillary services. It should be clearly defined what constitutes 'minimum services' (e.g, hand luggage, PRM or children seated together with an accompanying person), that are always included in the basic price, and 'ancillary services', the price of which should be clearly indicated next to the final price at the start of the booking process. In addition, common standards for size and weight of different types of baggage are needed. Fares and at least 'core' ancillary fees (e.g., checked luggage) should be available on all distribution channels, allowing passengers to compare offers across carriers on a like-for-like basis. Furthermore, the right to reimbursement in case of cancellation by the passenger needs to be clarified, non-discrimination in access to fares has to be guaranteed, and more effective enforcement and consumer redress options are necessary.

Should any other elements be considered? (optional)

1000 character(s) maximum

Passengers who cancel a flight or fail to show up are entitled to reimbursement of certain price elements, but this right is poorly communicated and hence rarely exercised in practice.

Passengers booking standalone flights should have the same rights as those on package trips under the PTD: the right to cancel without a fee during a major crisis, and for other reasons with a clear, reasonable termination fee stated at booking - a further topic to be included in the Air Services Regulation as announced under the 2021 "Better Protection for Passengers and their Rights" initiative.

Non-discrimination in access to fares requires transparency in dynamic or personalized pricing and accessible information for people with disabilities and the elderly.

Effective enforcement and consumer redress demand clear monitoring, dissuasive sanctions, expanded NEB competencies, and transparent options for individual or collective remedies.

Problem 6: Traffic distribution rules may have an unjustified discriminatory impact on carriers

The Air Services Regulation allows Member States to regulate the distribution of traffic between airports, under strict conditions. The Commission's assessments of the rules and adopted decisions for the three groupings of EU airports where traffic distribution rules ('TDRs') have been introduced so far (Paris, Milan and Amsterdam airports), showed that even though the initial rules proposed had been drafted with objective criteria, they led to de facto discrimination to the benefit of incumbent carriers.

Please indicate your level of agreement with the problem statement

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 6: Authorities face difficulties in using the possibility to impose traffic distribution rules	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6a. because such rules are de facto always discriminatory	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6b. because there are limited pairs of airports where such rules could be used	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6c. for another reason	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 6: Authorities face difficulties in using the possibility to impose traffic distribution rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6a. because such rules are de facto always discriminatory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6b. because there are limited pairs of airports where such rules could be used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6c. for another reason	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Remove the possibility for Member States to impose traffic distribution rules.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarify the existing framework for traffic distribution rules.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 7: There is an unclear legal framework for operators of innovative aerial services (IAS), and a risk of disproportionate obligations or imbalance when compared with manned aviation

New types of innovative aerial services (IAS) operators, such as air taxis and drone delivery services, are also entering the market.

These services did not exist when the rules on EU air services were last reviewed in 2008, and therefore their treatment was not considered. The evaluation found that it was unclear whether drone-based air services fall within the definition of air services, and thus within the scope of the Air Services Regulation. This lack of clarity

on how to define and categorise drone-based air services also raises problems when having to identify applicable international rules, including international trade rules.

For small-scale drone operators, the evaluation also found a risk of disproportionate obligations if these operators would be required to hold an operating licence. There is also the risk of an imbalance in the market access and operating licence requirements for EU-based IAS operators as compared with those from non-EU countries (e.g. on financial requirements and ownership and control rules) which may negatively affect the development of the EU IAS sector.

Please indicate your level of agreement with the problem statement

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 7a: Air services market rules are unclear as to whether IAS including drone-based services fall within the scope of the Air Services Regulation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem 7b: There is a risk that imposing air services market rules on businesses such as air taxis and drone-based delivery services would be disproportionate. In particular:	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.1 The obligation to hold an AOC	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.2 Financial fitness requirements	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.3 Ownership and Control	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.4 Insurance requirements	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 7a: Air services market rules are unclear as to whether IAS including drone-based services fall within the scope of the Air Services Regulation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Problem 7b: There is a risk that imposing air services market rules on businesses such as air taxis and drone-based delivery services would be						

disproportionate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
In particular:						
7b.1 The obligation to hold an AOC	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7b.2 Financial fitness requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7b.3 Ownership and Control	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
7b.4 Insurance requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Clarify that open and specific category drone operations are out of scope of the Air Services Regulation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarify that certified category drone operations are in scope of the Air Services Regulation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce lighter licensing requirements for small-scale (certified category) drone operations and comparable manned operations.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 8: The requirement for safety prior approval of intra-EU leases is no longer necessary as all EU aircraft operators are subject to the same safety rules

Since the entry into force of the revised Regulation (EU) 2018/1139, the need for a safety prior approval for intra-EU leasing of aircraft no longer applies, since all EU aircraft and operators are subject to the same set of safety rules. Certain provisions in Commission Regulation (EU) 965/2012 requiring a prior approval for intra-EU leasing should be repealed. Therefore, the requirements in the Air Services Regulation have become obsolete, as those requirements state that intra-EU leases must be subject to prior approval in accordance with applicable safety rules. Eliminating these outdated requirements contributes to regulatory simplification and reduces unnecessary administrative burden for air carriers.

Please indicate your level of agreement with the problem statement

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 8: The requirement for safety prior approval of intra-EU leases is no longer necessary as all EU aircraft operators are subject to the same safety rules	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know

Problem 8: The requirement for safety prior approval of intra-EU leases is no longer necessary as all EU aircraft operators are subject to the same safety rules



Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Remove the requirement for a safety prior approval of intra-EU leases.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 9: Leasing requirements limit air carriers' financial and operational flexibility

There are two types of leasing agreements: 'dry' leasing (leasing of aircraft), which is mostly used to reduce short-term costs of adding an aircraft to the fleet, and 'wet' leasing (leasing of aircraft and aircrew), which is mostly used to meet temporary, unpredictable or unexpected demand.

The evaluation found that carriers are not always able to adapt their fleets to respond to sudden changes in passenger demand. This is partly due to the fact that the Air Services Regulation contains stringent conditions on the use of wet leasing of non-EU aircraft and aircrew. Non-EU wet leases can only be used on the basis of exceptional needs for a limited duration or to meet short-term or unexpected demand that cannot be met on the EU market. Regulation (EU) 965/2012 contains similar stringent economic conditions for the dry leasing of non-EU registered aircraft, which can only be used for a limited duration and if the demand cannot be met on the EU market.

Non-EU registered aircraft and crew are under the oversight of non-EU regulators who ensure the safety of their operations. Any lease of non-EU aircraft by an EU air carrier is then subject to prior safety approval by the relevant EU regulator. If safety and social standards equivalent to those of the EU can be guaranteed by other means, such restrictions may no longer be relevant.

A secondary aspect is that the Air Services Regulation does not precisely specify what evidence is required to demonstrate that the conditions described above for leasing non-EU aircraft are met. The lack of clarity may also lead to different approaches being taken in different Member States, undermining the integrity of the single market.

Since the stringent and unclear conditions may dissuade carriers from even applying for approval of an extra-EU lease, it is difficult to measure how much suppressed demand there is, and thus the scale of the problem.

Please indicate your level of agreement with the problem statements

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 9: Air carriers are unable to fully respond to demand in case of aircraft shortages	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
This is a result of:					
9a: A lack of clarity about what evidence air carriers have to provide to meet the conditions to be allowed to enter into lease agreements.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

9b: Air services market rules place burdensome restrictions on air carriers' ability to enter into lease agreements as needed.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 9: Air carriers are unable to fully respond to demand in case of aircraft shortages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
This is a result of:						
9a: A lack of clarity about what evidence air carriers have to provide to meet the conditions to be allowed to enter into lease agreements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
9b: Air services market rules place burdensome restrictions on air carriers' ability to enter into lease agreements as needed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Clarify the requirements/evidence required for prior approval for leasing from non-EU-country carriers.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Liberalise the leasing of aircraft from non-EU-country carriers (with safeguards to ensure that non-EU crew are subject to EU labour law).



Please explain your answers to the question above (optional)

1000 character(s) maximum

Should any other elements be considered? (optional)

1000 character(s) maximum

Problem 10: Authorities are not able to sufficiently take into account justified environmental considerations when imposing public service obligations (PSOs)

Currently, the Air Services Regulation's provisions are unclear about to what extent and under what conditions authorities can include specific environmental conditions when imposing PSOs and in PSO tenders. While it is possible to require a certain degree of environmental performance on a PSO and to consider favourably environmental performance elements as part of the evaluation of the tenders, the interpretation of the current rules is that environmental performance cannot be an exclusionary precondition for submitting a bid in the tender, as the main objective of PSOs today is to ensure connectivity. Access to this market, however, plays an important role in relation to the goals of the sustainable and smart mobility strategy such as making scheduled collective travel under 500 km within the EU carbon-neutral by 2030.

Please indicate your level of agreement with the problem statement

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Problem 10a: Authorities are not able to sufficiently take into account justified					

environmental considerations when imposing PSOs.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Problem 10b: Air services market rules for PSOs are inflexible and/or unclear about how authorities may take into consideration environmental criteria	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate how serious you believe the problem and sub-problems to be (1 = not serious; 5 = very serious)

	1 (not serious)	2	3	4	5 (Very serious)	Don't know
Problem 10a: Authorities are not able to sufficiently take into account justified environmental considerations when imposing PSOs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Problem 10b: Air services market rules for PSOs are inflexible and/or unclear about how authorities may take into consideration environmental criteria	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The table below contains a number of possible measures to address this set of problems.

The policy measures described below are without prejudice to the instrument used, and may entail a mix of amendments to the Air Services Regulation, soft law (including guidance) and improved enforcement. Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Please indicate your level of agreement with the proposed policy measures

	Strongly disagree	Disagree	No opinion / don't know	Agree	Strongly agree
Clarify that environmental considerations can be taken into account as part of the evaluation of bids for PSOs (e.g. in the form of extra points for environmental performance).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Extend the maximum length of PSO contracts beyond the current 4/5 years to facilitate PSO operators' investment in fleet renewal.



Please explain your answers to the question above (optional)

1000 character(s) maximum

In some cases, such as for islands or remote regions, Public Service Obligations (PSOs) for air services may be justified - based on a transparent cost-benefit analysis - where there are clear social needs. According to EPF, state aid to airlines, including PSOs, should meet key conditions: efforts to reduce environmental impact, respect for staff and passenger obligations, and adherence to market efficiency and connectivity principles. A level playing field must be ensured, as state aid can distort competition - both between airlines and between transport modes. Therefore, state aid/ PSOs should only support air services that (i) are essential for connectivity and of general interest, and (ii) cannot be provided by a more environmentally friendly transport mode.

Should any other elements be considered? (optional)

1000 character(s) maximum

Final comments

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

1000 character(s) maximum

See attached position paper

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

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.

Please upload your file(s)

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

fa429eba-c14b-4bb7-b789-3b6047b834c8/Air_Services_Regulation_-_EPF_position_2025.pdf

Contact

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