

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
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian

- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ 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

My organisation is part of the following stakeholder group

- ☒ Air carriers
- ☐ Airports
- ☐ Air ticket intermediaries (including travel agents and package organisers)
- ☐ Commercial drone operators
- ☐ Investors
- ☐ Leasing companies
- ☐ Other

* First name

Laura

* Surname

Kancel

* Email (this won't be published)

laura.kancel@eraa.org

* Organisation name

255 character(s) maximum

European Regions Airline Association (ERA)

* 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.

* 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.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| <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 |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |

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

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

- | | | | |
|--|----------------------------------|---|---|
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic
Republic of the
Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and
Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> 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 checked="" type="radio"/>	<input type="radio"/>
* Support the global competitiveness of EU air carriers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>

* Simplify rules and reduce administrative burden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
---	-----------------------	-----------------------	-----------------------	-----------------------	----------------------------------



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

3000 character(s) maximum

While the regulation aims for a single market, ERA members note that in some cases the implementation by national authorities can lead to distortions. Harmonisation in order to avoid distortion should be one of the objectives in the revision of the Regulation.

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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1b Difficulties getting reimbursements or being repatriated in case of airline insolvency	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 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 1: The EU air services market is not sufficiently resilient in the face of disruptions and crises	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1b. Difficulties getting reimbursements or being repatriated in case of airline insolvency	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum





















COVID-19 caused an exceptional liquidity crisis across all sectors, including aviation. However, the risk of airline insolvency in non-crisis times is very low: 0.04% of total EU passengers were affected by an insolvency from 2011-2019. There is no reason to increase capital requirements which create an additional burden and only reduce their flexibility. As a principle, airlines are responsible to follow best practice in defining capital reserves and related financial KPIs to guarantee survival in difficult times. During the COVID-19, Member States could neither urgently adapt or put in place PSOs routes to sustain basic connectivity and avoid closure of essential routes. There is need for more flexibility and efficient rules in the attribution of PSO. However, when it comes to relevant crisis responses, ERA strongly opposes national restriction flights or operational conditions which risks leading to inconsistencies, competitive distortion or Member State driven blanket measures.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oblige Member States to share information with each other to facilitate operating licence supervision.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input 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.					
Provide Member States with the possibility of a structured dialogue for carriers in financial difficulties, alongside the system of temporary licences.					
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.					
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.					
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.					
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.					

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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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

In the event of crisis, the airline industry needs flexibility rather than restrictions to maintain essential connectivity. An airline insolvency scheme is disproportionate given the usual low risk. Existing instruments (e.g. scheduled airline failure insurance) and voluntary measures (e.g. industry “rescue fares”) adequately protect passengers in the rare instance where an airline ceases operations. Transparent and widely available government financial support measures may also avoid the risk of insolvency (e.g. the regional cohesion fund). Also, the event that flight restrictions are necessary, regional carriers would agree to providing the Commission with the power to adopt tailor-made delegated acts to guarantee consistent policies. Finally, criteria for existing PSOs should be more flexible in crisis-time (e.g. frequency). The EU should allow for a simpler and faster application for short-term, emergency-based PSOs with systematic prolongation on a six-month basis.

Should any other elements be considered? (optional)

1000 character(s) maximum

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 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 checked="" 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 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 checked="" 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 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 2: Elevated costs and an unequal playing field hamper EU air carriers' ability to rebuild balance sheets and compete internationally, potentially undermining decarbonisation efforts. This is a result of:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 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 type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2c: Longer routes than some international competitors due to airspace closures	<input type="radio"/>	<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 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

Ownership and control rules lack clarity and do not provide opportunities for EU regional airlines to attract investments and increase their financial resilience.

Regional carriers face regulatory pressures and limited financial support. Yet, as stated in The Draghi report on EU competitiveness, decarbonisation of the sector could cost up to €61bn annually (2031–2050). Such increase of operating costs will eventually be passed down to passengers and lead to traffic diversion to non-EU destinations which are not subject to the same obligations. Regional airlines may be affected by competitive distortions from carbon leakage especially in scenarios like route, hub or carrier switching.

The lack of level playing field is further exacerbated by airspace closures and non-reciprocal access by non-EU air carriers to certain intra-EU traffic rights.

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 type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

destination and would serve to mitigate carbon leakage risks.					
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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

O&C rules should be clarified. Overall, there should be additional opportunities for regional airlines to attract investments while maintaining fair competition and full mandatory compliance with EU social, safety and labour standards.

ERA believes in ensuring a level playing field between all carriers operating in the EU airspace as much as possible. However, policymakers should focus on avoiding disproportionate regulatory costs for EU carriers and how to financially support them these carriers so that they remain competitive, and that Europe maintain its role as first destination. This is particularly important for regional airlines which operate on slim 0–5% margins and risk fare hikes and route closures.

Full alignment with CORSIA for international flights should also be ensured. Such instrument must further demonstrate real achievements – including broader participation, stronger offset quality, and effective enforcement.

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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Treatment of funds/trusts/foundations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Dual nationality of shareholders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
What qualifies as equity capital	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ownership via intermediary structures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Financial relationships (e.g. loan agreements) between shareholders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Multiple share classes with different characteristics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Mutual funds (e.g. pension funds) and other collectivised investment vehicles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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

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 type="radio"/>	<input checked="" 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 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 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"/>
<p>Problem 3b: There is a lack of clarity about use of flight bans to address other environmental problems.</p> <p>Specifically:</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3b.1 Noise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3b.2 Local air pollution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 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 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 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"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
3b.1 Noise	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input 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"/>	<input type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The Fit for 55 Package already imposes a significant financial and administrative burden for regional carriers. Restrictions of flights for environmental reasons are not an effective or proportionate tool to target CO2 emissions. Environmental flight bans, especially on short-distance flights, are counterproductive and create a distortion of competition and fragmentation, set precedents for national protectionism in the name of sustainability, threaten connectivity and risk leading to traffic and carbon relocation. Regional airlines will be first movers of the fleet renewal: new methods of propulsion will be deployed first on regional routes because they are more fit for shorter distances. This requires financial support rather than further restrictions. Overall, ERA believes that article 20 creates legal uncertainty, leaves too much room for interpretation of what is considered as a 'necessary' flight ban and fails to assess globally the environmental challenges.

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	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

reasons (instead of the current Commission power to suspend non-compliant measures).					
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).					
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					
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.					

Please explain your answers to the question above (optional)

1000 character(s) maximum

As previously demonstrated, flight bans fail to achieve environmental objectives. They only further undermine the EU territory's competitiveness and connectivity, especially remote regions or islands that already face connectivity issues

Many short-haul flights exist because no other reasonable mode of transport is available or alternatives are unfeasible to realise comparable transportation time. Also, there is no certainty that in case the event that flights are being banned, passengers will not use another mode of transport that does not leads to comparable CO2 emissions (e.g. they could switch to individual cars, maritime or coach). In 2024, IATA demonstrated that the 2023 flight ban adopted by France reduced CO2 emissions from transport in France by 0.12% if fully replaced by zero-emission transportation. Overall, emissions reduction should be addressed through targeted market-based measures such as EU ETS and SAF incentives and financial support for the transition.

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

Aviation operates within a well-defined legal framework. Aviation employees, regardless of cross-border activity, remain subject to the labour laws of the Member State where their “home base” is located, ensuring clarity of jurisdiction. The Air Services Regulation was and should remain designed to manage licensing, market access, and pricing; not to regulate employment matters. Labour laws for aircrews are already governed by EU law, particularly through the Rome I Regulation, which determines that employees are subject to the labour law of the country where their employer is based or where they normally work. Additional protection is provided by the Posting of Workers Directives and the EASA Basic Regulation. The real challenge lies in consistent enforcement across the EU. For regional airlines maintaining a degree of operational flexibility is essential to sustain connectivity, manage resources efficiently, and respond to fluctuating demand.

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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

Proposals that would require airlines or Member States to report crew bases or assignments outside their principal place of business risk adding unnecessary bureaucracy and duplicating existing EU requirements. The ASR already establishes a single-licence, single-oversight system based on mutual recognition, while employment conditions are clearly defined under EU labour law. However, some clarification would be helpful on what constitutes an "operational base," as interpretations currently vary between Member States. Establishing a common understanding would support consistent enforcement and avoid social engineering without creating new administrative burdens. Introducing additional aviation-specific reporting rules or redefining "operational base" through market regulation would risk overlap, add cost, and undermine the freedoms of establishment and service provision. The focus should remain on effective implementation and enforcement, rather than new obligations.

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 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"/>
b. Consumers are not able to compare prices of different ticket offers effectively.	<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"/>
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"/>

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"/>
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 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 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 5: Customers are not always able to make fully informed choices on air tickets.	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<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 type="radio"/>	<input type="radio"/>	<input checked="" 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"/>	<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"/>	<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"/>	<input type="radio"/>
f. Airlines' policies on unaccompanied minors 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"/>	<input type="radio"/>
g. Airlines' policies on transport of pets 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"/>	<input type="radio"/>

Please explain your answers to the questions above (optional)

1000 character(s) maximum

The commercial freedom to set prices, determine which ancillary services are included in the basic fare and establish its policies (e.g. carriage of pets, luggage etc) is an essential part of airlines' business models and how they compete on service and quality. However, we are concerned about ongoing price "dumping" practices, where airfares do not even cover airport taxes. These practices are harming regional airlines' competitiveness, and, ultimately, come at the expense of the consumer.

Also, ERA strongly supports the need for a high level of transparency for the consumer, notably price

transparency and disclosing what is included in the ticket price (airport taxes, air fare, luggage, extras, etc.) in a standard, clear and transparent way. We also note that there might be an issue for consumers to access information when booking via intermediaries which do not all have the same level of price transparency and can apply hidden fees.

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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>
Require all air tickets to include a "personal item" of hand luggage with dimensions 40cm x 30cm x 20cm	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>
Require air carriers to allow all passengers in a booking to sit together at no extra cost	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" 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

As mentioned, ERA supports the need for a high level of transparency for the consumer and information to be displayed in a clear and transparent way.

Passengers are well informed about airlines luggage policies (90%, July 2024 Eurobarometer). A single standardised size for hand baggage is neither practical nor realistic. Dimensions that would suit all airlines would have to be significantly reduced to fit all aircraft configurations, including the smallest regional ones. Here, the proposed dimensions are not fit for all aircraft. Also, all airlines should allow at least one personal item for free, but remaining allowances should stay subject to commercial freedom, offering the choice for consumers.

Finally, ERA would support a proposal to prohibit price dumping, by at least setting a price always covering the variable charges, taxes and levies. The lack of transparency of air ticket prices when booked through intermediaries should also be tackled.

Should any other elements be considered? (optional)

1000 character(s) maximum

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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to the question above (optional)

1000 character(s) maximum

TDRs may be necessary in some cases, provided they are based on transparent, objective, and proportionate criteria. However, such rules must not result in direct or indirect discrimination between carriers, nor should they restrict access for regional airlines which would negatively impact connectivity. Any future framework should therefore ensure that TDRs are applied consistently and include safeguards against market distortion and a regular review mechanism.

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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.1 The obligation to hold an AOC	<input type="radio"/>	<input checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.1 The obligation to hold an AOC	<input type="radio"/>	<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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.3 Ownership and Control	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7b.4 Insurance requirements	<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

For large and high-volume IAS operators, an adapted AOC should be held to ensure consistent safety, accountability, and oversight equivalent to that of manned aviation. As these operations expand into shared and complex airspace, uniform standards are essential to maintain system integrity. Similarly, high insurance requirements are needed to protect the public and other airspace users.

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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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
Remove the requirement for a safety prior approval of intra-EU leases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 This is a result of:	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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 checked="" 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"/>

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 checked="" type="radio"/>	<input type="radio"/>	<input 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"/>	<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 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

Wet-leasing serves as an important and legitimate instrument within the aviation industry, enabling airlines to respond effectively to fluctuations in demand, unexpected capacity constraints, or temporary aircraft unavailability.

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 type="radio"/>	<input checked="" 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).	<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

Carriers can usually adjust capacity through existing fleets or short-term leasing. However, the lack of clear guidance on what evidence carriers must provide to meet leasing conditions creates uncertainty and delays.

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 checked="" type="radio"/>	<input 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.	<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

Regional carriers are committed to reducing the impact of their operations on the environment and contributing towards the fight against climate change.

Yet, ERA believes that the priority for a PSO route is and should always remain to ensure the continued operation of routes serving peripheral or developing regions and thin routes, where such air services are deemed essential to the region's economic and social development. Overall, the main focus should be on improving the current existing PSO framework to facilitate the creation of new routes and increase connectivity.

Should any other elements be considered? (optional)

1000 character(s) maximum

ERA's airline members' experience with the current framework shows that PSOs practices differs considerably when it comes to the components of the rules, such as resident discounts, contract periods, grouping of routes, the role of regional authorities, air ticket distribution, aircraft size requirements and accessibility for all passenger groups including PRM and use of foreign languages in tender documents.

ERA recommends the additional following policy measures: (1) Additional funding and creation of new routes; (2) Allocation of more powers to EU regions involved in the PSO process and decision making; (3) Process improvements (PSO tenders to be issued and processed in English; and more flexibility for grouping of routes).

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

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

b08e0897-1294-4343-98d5-bcc14ef2f83a/20251215_ERA_position_paper_reg._1008_2008_FINAL.pdf

