



Feedback - June 2025

Call for evidence

Aviation - EU Air Services Regulation (revision)

Summary

T&E welcomes the opportunity to give feedback to the EU Air Services Regulation. In view of the preparatory work to revise Regulation 1008/2008, T&E stresses the importance of using this revision as an opportunity to build on the Regulation to promote environmentally sustainable connectivity. This can be achieved through the introduction of green criteria in Public Service Obligations (PSOs) routes, as well as through the provisions set by Article 20 to limit traffic rights on environmental grounds as a tool to complement the decarbonisation framework set by the Fit for 55 package.

The Fit for 55 package, particularly through ReFuelEU Aviation and the EU Emissions Trading System (ETS) for Aviation, is key to decarbonise aviation. However, as shown by [T&E's Down to Earth report](#), these measures alone are insufficient to keep European aviation within its 1.5°C carbon budget. Without further structural measures to reduce emissions and limit uncontrolled growth, European aviation will exceed its entire 1.5°C-compatible carbon budget as early as 2026.

In this context, Regulation 1008/2008 should also be harnessed, along with other key legislation and measures, to support aviation in its decarbonisation notably through restrictions of traffic on environmental grounds and 'green' PSOs.

The importance of Article 20 to decarbonise short-haul routes

Article 20, by providing the possibility of limiting traffic on environmental grounds, can be key in preventing emissions growth in the aviation sector, which is the transport mode with the highest projected increases. This has been an instrumental article that has allowed world-first legislation to be brought forward in Europe.

There is new evidence that some short-haul routes could be substituted by more sustainable modes of transport, while maintaining connectivity, ensuring non-discrimination and ultimately decreasing the sector's emissions.

France's use of Article 20 to limit short-haul flights where an adequate rail alternative exists shows the practical potential the Regulation has to contribute effectively to the EU climate goals without hampering accessibility. This pioneering approach, which offers valuable lessons and proves that environmental and connectivity goals can be reconciled, should be enhanced.

As indicated by the [French administration](#), the implementation of RefuelEU and the ETS would not be sufficient to achieve its 2030 emissions reduction goal, if the trend of the growth of the sector continues as before. This evidences the need to use complementary

measures to the Fit for 55 package, such as the restriction of traffic rights on environmental grounds provided by Article 20, particularly in the current decade.

The Spanish government has also [been exploring](#) the potential of Article 20 for traffic restriction measures. It proposed limiting flights that can be substituted by train journeys of less than 2.5 hours, excepting connecting flights to international destinations. Other stakeholders have advanced proposals to ban flights with rail alternatives under 3 or 4 hours, which could elicit substantial emissions reductions as compared to 2.5 hours.

PSOs - harnessing regional aviation to pioneer green aviation solutions

By governing the rules of PSOs, Regulation 1008/2008 represents a unique opportunity to harness the full potential of PSOs and regional aviation to decarbonise aviation by piloting and scaling green solutions, whilst ensuring connectivity for EU regions, their businesses and citizens. Moreover, it could act as an enabler of a European SAF and net-zero emissions aircraft industrial value chain.

To that end, the European Commission should use the upcoming revision as an opportunity to go beyond the 2022 public consultation and already introduce, in the upcoming public consultation, concrete measures to embed a 'green' criteria in PSO tenders. These should include clear provisions to promote the uptake of SAFs and incentivise zero-emission aircraft technologies.

Problems to be tackled and objectives of revision

As acknowledged in the [2021 Call for Evidence](#), Regulation 1008/2008 is not sufficiently aligned with the EU objectives of achieving decarbonised aviation by 2050, which is increasingly urgent given the projected growth in aviation emissions.

Hence, the upcoming revision presents a unique opportunity to harness the Regulation to promote environmentally sustainable connectivity. This can be achieved through introduction of green criteria in Public Service Obligations (PSOs) routes (i.e. uptake of net-zero technologies and sustainable aviation fuels) as well as through the provisions set by Article 20 to limit traffic rights on environmental grounds as a tool to complement the decarbonisation framework set by the Fit for 55 package.

The Fit for 55 package is not enough to decarbonise aviation – The Air Services Regulation also has a role to play

The Fit for 55 package, particularly through ReFuelEU Aviation and the EU Emissions Trading System (ETS) for Aviation, is key to decarbonise aviation. However, as evidenced by the data

and analysis in **T&E's Down to Earth¹ report**, these measures alone are insufficient to keep European aviation within its 1.5°C carbon budget. Without further structural measures to reduce emissions and limit uncontrolled growth, European aviation will exceed its entire 1.5°C-compatible carbon budget as early as 2026.

Moreover, the UN's Intergovernmental Panel on Climate Change (IPCC) in its Sixth Assessment Report (AR6), stresses that to limit global warming to 1.5°C, emissions must peak by 2025 and be nearly halved by 2030. However, it also underlines that between 2010 and 2019, international aviation had an annual growth rate of 3.4% in GHG emissions, making it one of the fastest-growing sectors. The IPCC report contains multiple clear and strong references to the need to reduce GHG emissions as fast as possible. It includes specific references to the aviation sector, highlighting its growing impact on global emissions, stressing the urgency of decarbonising it as soon as possible.

In this context, Regulation 1008/2008 should also be harnessed, along with other key legislation and measures, to support aviation in its decarbonisation notably through restrictions of traffic rights on environmental grounds and 'green' PSOs.

Article 20 – Limitation of traffic on environmental grounds

By providing the possibility of limiting traffic on environmental grounds, Article 20 can be key in preventing emissions growth in the aviation sector, which is the transport mode with the highest projected increases. This has been an instrumental article that has allowed world-first legislation to be brought forward in Europe.

There is new evidence that some short-haul routes could be substituted by more sustainable modes of transport such as rail, while maintaining connectivity, ensuring non-discrimination and ultimately decreasing the sector's emissions.

France's use of Article 20 to limit short-haul flights where an adequate rail alternative exists demonstrates that the practical potential the Regulation has to contribute effectively to the EU climate goals without hampering accessibility. This pioneering approach, which offers valuable lessons and proves that environmental and connectivity goals can be reconciled, should be enhanced.

According to the calculation of the French administration, the ban on the three French routes allows a reduction of 55,000 tonnes of CO₂ emissions per year,² on the basis of 2019 traffic levels. Compared to 2.1 Mt for total emissions for domestic flights in mainland France, this represents 2.6% of these emissions. While a small share, this does represent a real and immediate decrease in domestic emissions, as evidenced by the graphic below. Increasing the number of routes covered would increase the potential for emissions reductions.

¹ https://www.transportenvironment.org/uploads/files/TE_Down_to_Earth_report.pdf

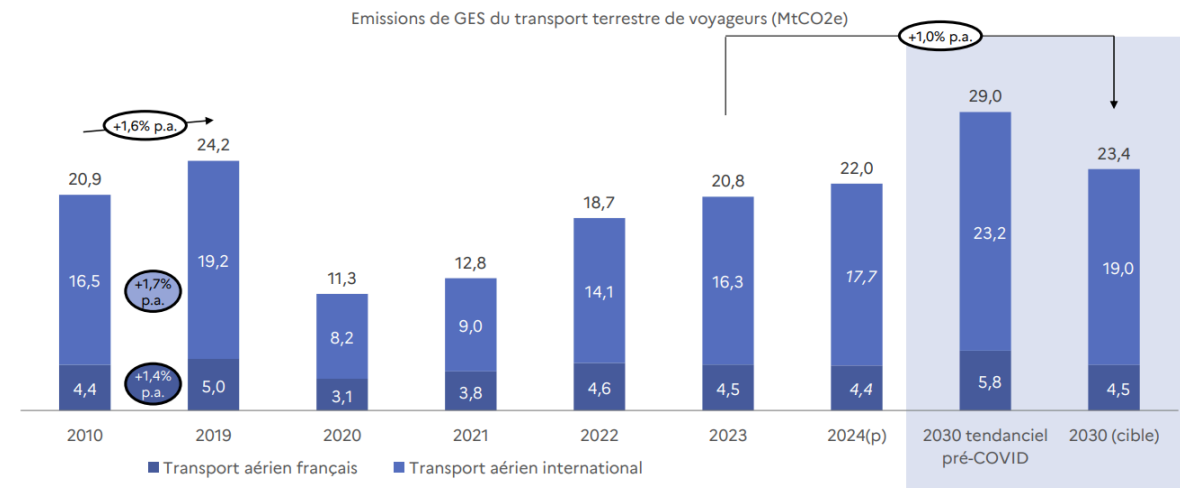
² European Commission implementing decision on the French measure establishing a limitation on the exercise of air traffic rights due to serious environmental problems, 1 December 2022
https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022D2358#ntr18-L_2022311EN.01016801-E0018

As pointed out by the French administration³ and illustrated in the graphic, the implementation of RefueEU and the ETS would not be sufficient to achieve its 2030 emissions reduction goal, if the trend of the growth of the sector continues as before. This evidences the need to use complementary measures to the Fit for 55 package, such as the limitation of traffic on environmental grounds provided by Article 20, particularly in the current decade.



Secrétariat général à la planification écologique

Les émissions actuelles du secteur aérien sont dans l'enveloppe 2030, mais la dépasseront si la tendance se poursuit au même rythme que pré-COVID



Sources : CITEPA, Secten 2024, baromètre T1-2024; Note : l'estimation 2024 est très grossière, basée sur la tendance observée au premier trimestre 2024

5

The potential impact of the French short-haul flight ban has been limited due to the following restrictions added to the initial version developed by the Citizens' Climate Convention:

- 1/ The actual measure is a ban for routes with a rail alternative of less than 2.5 hours. The initial version planned a short-haul flight ban for routes where there is a rail alternative of less than 4 hours.
- 2/ The rail link must operate in both directions within the allotted time 'between stations serving the same cities as the airports concerned.' This considerably reduces the number of rail alternatives available in less than 2.5 hours. Above all, it excludes connecting flights, such as in the case of the Paris-CDG and Lyon-Saint-Exupéry route operated as a feeding flight by Air France.
- 3/ The rail link must be 'without changing trains between these stations, several times a day and with satisfactory service'.
- 4/ Finally, it must allow for 'more than eight hours of presence on site during the day, throughout the year', which therefore requires early morning departures and evening returns.

³ Décarbonation de l'aérien, Secrétariat général à la planification écologique, 6 September 2024
<https://www.info.gouv.fr/upload/media/content/0001/11/5c548a59d83336cc54bdfc977409a9d205f2454d.pdf>

Removal of Article 20 based on claims of limited impact would put an end to this pioneering measure in Europe, and hamper innovation in a context where additional tools are clearly necessary. Instead, the aim of the revision of the Air Services Regulation should be to improve the use of this article. In France, lifting the above restrictions and increasing the number of routes covered would allow the short-haul flight ban to have a greater climate impact in the short term, where this is needed most.

The Spanish government has also been exploring the potential of Article 20 for traffic limitation measures. It [proposed banning flights](#) that can be substituted by train journeys of less than 2.5 hours, with the exception of connecting flights to international destinations. Other stakeholders have advanced proposals to ban flights with rail alternatives under 3 or 4 hours, which could elicit substantial emissions reductions as compared to 2.5 hours.

A [study by Ecologistas en Acción](#)⁴ provides evidence that limiting domestic flights which could be replaced by rail journeys under 4 hours could cut Spain's domestic aviation emissions by nearly 10% on the basis of 2019 traffic levels, and thus provide an effective immediate tool in addressing Spanish and EU climate challenges.

The study identifies 11 domestic air routes where such substitutions are possible. Of these routes, four meet the criteria established by the Commission of an existing and satisfactory alternative by train of 2.5 hours, notably Madrid–Barcelona which in 2019 generated more than 168,000 tonnes of CO₂.

It is therefore essential to maintain Article 20, and to explore options and potential impact to enhance its ability to complement the Fit for 55 package and contribute to the EU's Smart Mobility objective of moving to more sustainable modes of transport, allowing Member States to innovate with world-leading climate policies.

Green PSOs for an environmentally sustainable connectivity

By governing the rules of PSOs, Regulation 1008/2008 represents a unique opportunity to harness the full potential of PSOs and regional aviation to decarbonise aviation and pilot and scale green solutions, whilst ensuring connectivity for EU regions, their businesses and citizens. This would help guarantee that all European territories can reap the benefits of the climate transition.

To that end, the European Commission should use the upcoming revision as an opportunity to go beyond the 2022 public consultation and already introduce, in the upcoming public consultation, concrete measures to embed 'green' criteria in PSO tenders. The inclusion of 'environmental performance' as a service quality indicator in [Irish PSO tenders](#), and the flexibility in [Norwegian PSO contracts](#) to negotiate the gradual introduction of zero-emission

⁴ [Eliminación de vuelos cortos en España: estudio de impacto y viabilidad](#)

aircraft during the contract period, are welcome – although still modest – steps in the right direction.

The European Commission should set clear provisions for the inclusion of ‘environmental performance’ as an award criteria of PSOs tenders, such as the uptake of SAFs (i.e. minimum blends) and incentives to use zero-emission aircraft technologies. For instance, PSO routes could represent a test bed to pilot and scale zero-emission aircrafts, as short-haul segments – in many cases served by PSOs – offer the best opportunity for their deployment. Moreover, such an approach would align with the objective of an environmentally sustainable connectivity and be a unique opportunity to foster a European SAF and net-zero emissions aircraft industrial value chain.

Conclusion - Objectives and impact of revision

Regulation 1008/2008 is not sufficiently aligned with the EU objectives of achieving decarbonised aviation. Green criteria in PSO routes (i.e. uptake of net-zero technologies and sustainable aviation fuels), as well as provisions set by Article 20 to limit traffic rights on environmental grounds, are necessary tools to complement the decarbonisation framework set by the Fit for 55 package.

One of the key elements to be assessed, concerning environmental impacts, is therefore the contribution that options for these measures can make to reducing EU aviation emissions, both in the short term until 2030 as well as beyond 2030. On the contrary, growth in air traffic generating increased emissions as compared to 2019 levels would contravene EU objectives and the recommendations of the UN IPCC, and therefore must be avoided.

Further information

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