



T&E Recommendations for the Fitness Check of EU Airport Legislation - Public Consultation

October 2025

Key messages

T&E strongly welcomes the European Commission's Fitness Check of the three pieces of EU airport legislation: the Slot Regulation, the Airport Charges Directive, and the Groundhandling Directive.

The current design of the three instruments undermines decarbonisation pathways and the promotion of a nascent EU sustainable aviation industry, rendering them barriers to achieving the EU's strategic goals, including the objectives of the Sustainable and Smart Mobility Strategy and the ReFuelEU Aviation Regulation.

To be fit for 2030 and contributing to the EU's goals in 2035, 2040 and beyond, the legislation must be reformed to actively integrate the decarbonisation and industrial objectives of the European Green Deal and the Clean Industrial Deal, thus better contributing to EU strategic autonomy.

Our recommendations for the Fitness Check:

1. Slot Regulation

Revision is Needed: The Slot Regulation should be amended in order to incentivise sustainability. This could be achieved, for example, by

- ensuring capacity declarations effectively reflect specific environmental constraints; and / or
- integrating green criteria into slot allocation and mechanisms – such as the reservation of slots for sustainable operations – to promote zero-emissions aviation deployment and sustainable aviation fuels uptake.

This reform would improve environmental outcomes and strategic autonomy, strengthening Europe's ability to manage its aviation system in line with today's context and the goals of the Green Deal.

2. Airport Charges Directive

Revision is Needed: The Airport Charges Directive should be revised in order to strengthen its incentives for roll-out of clean technologies. This could be achieved, for example, by:

- making environmental modulation a systematic requirement for all large EU airports; and / or
- clear, robust, and mandatory provisions for providing charges modulation or specific exemptions for supporting zero-emissions aviation and operations using sustainable aviation fuels.

A revised Airport Charges Directive could harmonise key parameters and reporting obligations to ensure a level playing field across the European Union.

3. Groundhandling Directive

Revision is Needed: The Groundhandling Directive needs targeted clarification and strengthening to ensure fair, transparent, and non-discriminatory access to on-airport fuelling infrastructure for new and sustainable energy sources. This could be achieved, for example, by

- clarifying the regulatory treatment of centralised infrastructure, by mandating the publication of access fee methodologies, and /or
- strengthening monitoring and oversight procedures to guarantee compliance with ROTND principles - relevant, objective, transparent, non-discriminatory.

This would not only foster fair competition, but also underpin the infrastructure readiness required for zero-emissions aviation and sustainable aviation fuels deployment.

Introduction

T&E strongly welcomes the European Commission's Fitness Check of the three pieces of EU airport legislation: the Slot Regulation, the Airport Charges Directive (ACD), and the Groundhandling Directive (GHD).

These frameworks, largely designed decades ago for market liberalisation, are today ill-equipped to contribute to addressing the need for decisive climate action, new EU climate and energy objectives, and the emergence of zero-emission aviation (ZEA) technologies.

The current design of the three instruments undermines decarbonisation pathways and the promotion of a nascent EU sustainable aviation industry, rendering them barriers to achieving the EU's strategic goals, including the objectives of the Sustainable and Smart Mobility Strategy and the ReFuelEU Aviation Regulation.

To be fit for 2030 and contributing to the EU's goals in 2035, 2040 and beyond, the legislation must be reformed to actively integrate the decarbonisation and industrial objectives of the European Green Deal and the Clean Industrial Deal, thus better contributing to EU strategic autonomy.

1. The Slot Regulation: From Competition Tool to Climate Barrier

Today, the Slot Regulation is misaligned with the European Green Deal and the necessity for rapid fleet and fuel transitions mandated by ReFuelEU Aviation. Its core design, which prioritises historical usage, acts as a barrier to climate action. The stringent adherence in practice to historic rights via the 80/20 "use-it-or-lose-it" rule locks in incumbent airlines and their existing, often high-carbon operations.

This rigidity hinders competition by discouraging market entry by airlines bringing forward sustainable technologies (such as SAF and ZEA), as they struggle to build a competitive presence at congested airports. The current structure also risks inefficient use of airport capacity, potentially leading to flights with low load factors just to retain slots.

Sustainability considerations must be firmly embedded in the EU Slot Regulation, because the way airport capacity is defined and slots are allocated directly determines

the environmental footprint of aviation. The number of slots available at an airport sets a ceiling for air traffic volume and therefore for CO₂ emissions, nitrogen deposition, noise pollution, and local air quality impacts.

Likewise, the criteria used to allocate these slots influence which types of flights operate: whether they are short- or long-haul, low- or high-emission, essential or non-essential. In this way, the Slot Regulation is not a neutral market instrument. It is a powerful policy tool that shapes the scale, character, and sustainability of aviation in Europe.

Given this impact, it makes sense that sustainability considerations should be integrated into the slot allocation process. In practice, the Regulation currently treats slots as a commercial right, prioritising continuity and market efficiency over the public interest. But aviation is not an ordinary market. Its growth affects public health, biodiversity, and the EU's ability to meet its climate and environmental obligations under the European Green Deal, the EU Climate Law, and the Habitats Directive.

Decisions about the use of scarce airport capacity are therefore political: they determine whether the aviation sector can operate within environmental limits, and whether Member States can protect citizens from excessive noise and pollution.

Better incorporating sustainability into the Slot Regulation would turn it from a mechanism that passively facilitates market growth into one that actively supports Europe's transition to a safe, fair, and climate-compatible aviation system. It would empower Member States to align airport capacity with environmental ceilings, prioritise cleaner and quieter aircraft, and ensure that air connectivity delivers genuine public value.

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- ensuring capacity declarations effectively reflect specific environmental constraints; and / or
- integrating green criteria into slot allocation and mechanisms – such as the reservation of slots for sustainable operations – to promote zero-emissions aviation deployment and sustainable aviation fuels uptake.

This reform would improve environmental outcomes and strategic autonomy, strengthening Europe's ability to manage its aviation system in line with today's context and the goals of the Green Deal.

2. The Airport Charges Directive: Weak Incentives Insufficient for Clean Tech Roll-out

The Airport Charges Directive (ACD) demonstrates significant incoherence with today's climate goals because its current design for incorporating environmental costs contains fundamental weaknesses.

The ACD's primary failure in this respect is that environmental modulation of charges is optional and unevenly applied across the EU. This approach fails to systematically enforce the "polluter pays" principle, and does not create the consistent economic incentives necessary to achieve ReFuelEU targets.

Specifically, the Directive does not include clear, robust, and mandatory provisions that could support the uptake of SAFs, nor does it include robust provisions that could incentivise zero-emission aircraft.

Such aircraft could highly benefit from exemptions or a modulation that accounts for their environmental and industrial potential, similarly to how electric vehicles are treated in other transport legislation. The current framework thus undermines the progress needed to achieve ReFuelEU targets and to support nascent EU clean technology industries.

Revision is Needed: The Airport Charges Directive should be revised in order to strengthen its incentives for roll-out of clean technologies. This could be achieved, for example, by:

- making environmental modulation a systematic requirement for all large EU airports; and / or
- clear, robust, and mandatory provisions for providing charges modulation or specific exemptions for supporting zero-emissions aviation and operations using sustainable aviation fuels.

A revised Airport Charges Directive could harmonise key parameters and reporting obligations to ensure a level playing field across the European Union.

3. The Groundhandling Directive: Need to Lift the Barrier to Green Energy Access

The GHD's rules, designed to ensure competition in ground services, as shown by a recent [T&E study](#) (page 37), are insufficient to challenge the market power of incumbent fuel suppliers who often control the key on-airport fuel infrastructure (e.g. hydrant systems and tank farms) through long-standing consortia.

This structural failure to enforce effective non-discriminatory access (according to ROTND criteria - relevant, objective, transparent and non-discriminatory) creates significant market entry barriers for SAF producers and new energy carriers (like hydrogen or electric charging).

While the GHD demands transparent fees, it lacks the institutional teeth for oversight; it does not require the publication of underlying cost methodologies for access fees, allowing opacity which risks enabling the abuse of a dominant position. This directly undermines the strategic objectives of ReFuelEU, which requires infrastructure readiness, and compromises European energy security.

Revision is Needed: The Groundhandling Directive needs targeted clarification and strengthening to ensure fair, transparent, and non-discriminatory access to on-airport fuelling infrastructure for new and sustainable energy sources. This could be achieved, for example, by

- clarifying the regulatory treatment of centralised infrastructure, by mandating the publication of access fee methodologies, and /or
- strengthening monitoring and oversight procedures to guarantee compliance with ROTND principles.

This would not only foster fair competition, but also underpin the infrastructure readiness required for zero-emissions aviation and sustainable aviation fuels deployment.

Further information:

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