NOTICE TO MEMBERS

Subject: Petition No 0027/2023 by Cornelia-Florina German (Romanian), on behalf of the association ‘Clean Environment Federation’, calling for a regulation regarding the carbon footprint of unused or unchangeable airline tickets

1. Summary of petition

The petitioner calls for a regulation regarding the carbon footprint of unused or unchangeable airline tickets. This regulation should aim at reducing the carbon emissions while ensuring that consumers have the right to change or cancel their tickets in certain circumstances, and the right to a full refund in case of flight cancellation or delay or if they are unable to travel due to unforeseen circumstances. According to the petitioner, airlines shall be required to offset the carbon emissions caused by unused or unchangeable airline tickets through the purchase of carbon credits or participation in approved carbon offsetting programs. The monitoring and reporting of the number of changeable tickets sold, the number of refunds or changes made, and the carbon offsetting measures taken by the airlines should be mandatory.

2. Admissibility

Declared admissible on 12 April 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 28 August 2023

The Commission’s observations

The EU has undertaken various initiatives in the air transport sector to promote sustainability and reduce carbon emissions. The ‘Fit for 55 Package’ aims to enable the EU to reduce its net greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels and to achieve climate neutrality in 2050.
Among the initiatives, the ReFuelEU Aviation regulation\(^1\) sets mandates for aviation fuel suppliers to supply minimum shares of sustainable aviation fuels (SAF) to EU airports. Its main objective is to provide the market with certainty of demand and ramp up the supply and production for SAF in the EU. By creating a supportive framework, including targets for SAF uptake and investment incentives, ReFuelEU Aviation aims to stimulate the production, availability and affordability of SAF, thereby accelerating the decarbonisation of air transport and contributing to the overall sustainability goals of the aviation sector. Additionally, by phasing out free allowances for the aviation sector by 2026, the revision of the Emission Trading System (ETS) directive\(^2\) reinforces the implementation of the polluter pays principle. This incentivises even more airlines to reduce their carbon footprint and invest in cleaner technologies.

Consumer rights are in particular safeguarded though the Air Passenger Rights Regulation\(^3\), which establishes clear rules for passenger compensation and assistance in case of flight disruptions such as delays, cancellations or denied boarding. It grants passengers the right to receive compensation, reimbursement of expenses, and alternative transportation options, depending on the circumstances and distance of the flight.

In case of disputes between passengers and airlines, the regulation provides for national enforcement bodies in each Member State to oversee the enforcement of air passenger rights. These bodies provide assistance to passengers and investigate complaints, working towards fair resolutions and compensation.

Finally, the Air Services Regulation\(^4\) provides for pricing freedom of air carriers (Article 22). This means that airlines, as part of their commercial policy, are free to determine their fares and their conditions, notably relating to cancellations and refunds, subject, however, to compliance with EU legislation on air passenger rights (Regulation 261/2004). Article 23 of that Regulation lays down transparency obligations for air services. Article 23 stipulates not only that air fares available to the general public must include the applicable conditions but also that the final price to be paid must at all times be indicated and must include the applicable air fare as well as all applicable taxes, and charges, surcharges and fees which are unavoidable and foreseeable at the time of publication. Optional price supplements must be communicated in a clear, transparent and unambiguous way at the start of any booking process. Customer acceptance of optional components must be on an ‘opt-in’ basis.

**Conclusion**

The petitioners have not provided enough evidence of significant structural shortcomings in the

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implementation of the rules currently in place, in particular with regard to decarbonisation and consumer rights. Regular review of those rules and of their application is in any case assured by the competent EU bodies.