

Sustainable aviation fuels (ReFuelEU Aviation Initiative)

2021/0205(COD) - 31/10/2023 - Final act

PURPOSE: to ensure a level playing field in the EU air transport market while increasing the use of sustainable aviation fuels (SAF).

LEGISLATIVE ACT: Regulation (EU) 2023/2405 of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation).

CONTENT: the Regulation establishes **harmonised rules for the uptake and supply of sustainable aviation fuels** (SAF). The main aim of the ReFuelEU Aviation initiative, which is a key part of EU's 'Fit for 55 Package' is to increase both the demand for and supply of SAF, which has lower CO₂ emissions than fossil kerosene, while ensuring a level playing field across the EU air transport market.

The Regulation will apply to aircraft operators, Union airports and their respective Union airport managing bodies, and aviation fuel suppliers.

The new Regulation includes the following main provisions.

Accelerated integration of sustainable aviation fuels

Starting from 2025, at least 2% of aviation fuels should be green, with this share increasing every five years: 6% in 2030, 20% in 2035, 34% in 2040, 42% in 2045 and 70% in 2050. In addition, a specific proportion of the fuel mix (1.2% in 2030, 2% in 2032, 5% in 2035 and progressively reaching 35% in 2050) must comprise **synthetic fuels** like e-kerosene.

Refuelling obligation for aircraft operators

The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport shall be at least 90 % of the yearly aviation fuel required. The obligation for aircraft operators to ensure that the yearly quantity of aviation fuel uplifted at a given EU airport is at least 90% of the yearly aviation fuel required, to avoid tankering practices which would bring additional emissions from extra weight.

An aircraft operator may fall below the threshold where necessary for reasons of compliance with applicable fuel safety rules. In this case, it will have to justify the reasons for going below this threshold.

EU airport managing bodies will take all necessary measures to **facilitate aircraft operators' access** to aviation fuels containing minimum shares of SAF in accordance with the Regulation.

Eligible sustainable aviation fuels

The Regulation includes the following as eligible sustainable aviation fuels and synthetic aviation fuels: certified biofuels, renewable fuels of non-biological origin (including renewable hydrogen) and recycled carbon aviation fuels complying with the Renewable Energy Directive (RED) sustainability and emissions saving criteria, up to a maximum of 70% with the exception of biofuels from food and feed crops, as well as low-carbon aviation fuels (including low-carbon hydrogen), which can be used to reach the minimum shares in the respective part of the Regulation.

Competent authority

Member States will designate the competent authority or authorities responsible for enforcing the application of this Regulation and for imposing the fines for aircraft operators, on the Union airport managing bodies, and on aviation fuel suppliers.

Competent authorities will carry out their supervisory and enforcement tasks impartially and transparently, and independently of aircraft operators, aviation fuel suppliers and EU airport managing bodies.

The Regulation contains provisions on **data collection and reporting obligations** for aviation fuel suppliers and aircraft operators, enabling the effects of the regulation on the competitiveness of EU operators and hubs to be monitored.

Labelling scheme

A voluntary environmental labelling scheme enabling the **environmental performance of flights to be measured** is hereby established. This eco-label should indicate the carbon footprint of a flight per passenger and the expected carbon saving per kilometre. It should enable passengers to compare the environmental performance of flights operated by different airlines on the same route. The labels should be valid for a limited period not exceeding one year.

Flexibility mechanisms

The Regulation provides for a flexibility mechanism to be designed and applied to allow a **lead-time of 10 years** (from 1 January 2025 to 31 December 2034) for the SAF industry to develop production and supply capacity accordingly and to allow aviation fuel suppliers to meet their obligations in the most cost-effective way, without reducing the overall environmental ambitions of this Regulation, as well as to allow Union airports managing bodies, aviation fuel suppliers and aircraft operators to make the necessary technological and logistical investments.

Reports and reviews

No later than 1 January 2027 and every four years thereafter, the Commission will present to the European Parliament and the Council a report on the application of the Regulation.

The report will contain a detailed assessment of the development of the aviation fuel market and its impact on the functioning of the EU internal aviation market, including competitiveness and connectivity, in particular for islands and remote territories, and on the cost-effectiveness of life-cycle emission reductions.

The report will also assess: (i) the needs in terms of investment, employment and training, as well as research and innovation in the field of SAFs; (ii) the possible need to review the scope of the Regulation, the definition of SAFs, the eligible fuels and minimum shares set out in Annex I, as well as the level of fines.

ENTRY INTO FORCE: 20.11.2023.

APPLICATION: from 1.1.2024 (with the exception of certain provisions which apply from 1.1.2025).