



> Return address P.O. Box 20901, 2500 EX, The Hague

**Central policy-making
department**

Directorate for civil aviation
Sustainable aviation unit

P.O. Box 20901
2500 EX The Hague

Our reference

IenW/BSK-2023/391328

Contact

M. Roelofs
Policy advisor

M+31(0)6-12324518
maarten.roelofs@minienw.nl

Date 21 December 2023
Subject Information on the obligations under the ReFuelEU
regulation

Dear sir/madam,

With this letter the Ministry of Infrastructure and Water Management (IenW) wants to inform you about the Regulation on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation). This letter is intended for aviation fuel suppliers, aircraft operators and airports. The ReFuelEU regulation will take effect on the 1st of January of 2024 and will require the necessary changes and preparations.

Fit for 55

The ReFuelEU regulation is part of the Fit for 55 package. This entails several legislative proposals by the European Commission (EC) and refers to the commitment from the EU to reduce its net greenhouse gas emissions with at least 55% by 2030. The ReFuelEU regulation was adopted by the European Parliament and the Council in October 2023. The final version of the regulation is attached to this letter.

ReFuelEU regulation

The main objective of the ReFuelEU regulation is to increase both demand and supply of sustainable aviation fuels (SAF), while ensuring a level playing field across the EU air transport market. The ReFuelEU regulation aims to put air transport on the trajectory to the EU's climate targets for 2030 and 2050. It contains obligations for aviation fuel suppliers, aircraft operators and airports. These will be highlighted below.

Obligations for aviation fuel suppliers

An aviation fuel supplier is a fuel supplier¹ that supplies SAF or hydrogen for aviation on Union airports. As of 2025, aviation fuels suppliers have a blending obligation. This means that aviation fuel suppliers shall ensure that all aviation fuel made available to aircraft operators at each Union airport² contains the minimum share of SAF.³ From 2030 onwards this percentage also consists of a minimum share of synthetic aviation fuels. These percentages will gradually

¹ As defined in article 2, para 2, point 38 of the Renewable Energy Directive (2009/28/EC).

² An airport as defined in article 2, point 1 of Directive 2009/12/EC.

³ Article 4 ReFuelEU regulation.

increase until 2050.⁴ Under the flexibility mechanism⁵ an aviation fuel supplier may supply the minimum shares of SAF⁶ defined in the ReFuelEU regulation as a weighted average over all the aviation fuel it supplied across Union airports. Aviation fuel suppliers are furthermore obliged to provide all necessary information to aircraft operators for their reporting obligations.⁷

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The national competent authority responsible for enforcing the ReFuelEU regulation belongs to the member state in which the aviation fuel supplier has its principal place of business.⁸ Early 2024, the EC will provide a final consolidated list of aviation fuel suppliers and their attribution to the respective member state.

By February 14th of each reporting year, and for the first time in 2025, aviation fuel suppliers shall report using the Union database.⁹ IenW is aware of technical delays in realising the Union database and will keep urging the EC for a swift finalization in order to provide the necessary clarity about the reporting obligations.

Obligations for aircraft operators

An aircraft operator means an entity that operated at least 500 commercial passenger air transport flights, or 52 commercial all-cargo air transport flights departing from Union airports in the previous reporting period or, where it is not possible for that entity to be identified, the owner of the aircraft. The yearly quantity of aviation fuel uplifted by a given aircraft operator at a given Union airport¹⁰ shall be at least 90% of the yearly aviation fuel required.

The EC will attribute aircraft operator to the respective member state.¹¹ The EC will publish a yearly list with the aircraft operators that are in scope for the coming reporting year. Attribution will be determined based on n-2 data. This means that for reporting year 2025, the 2023 Eurocontrol data will be used. An entity operating commercial air transport flights that does not reach the thresholds laid down in the ReFuelEU regulation or an entity operating flights other than commercial air transport flights using aviation turbine fuels can request to be treated as an aircraft operator for the purposes of the ReFuelEU regulation and therefore be subjected to its provisions.¹²

By the 31st of March of each reporting year, and for the first time in 2025, aircraft operators shall report the relevant information with respect to a given reporting period to the national competent authorities and EASA.¹³

⁴ 2025: 2% | 2030: 6% | 2035: 20% | 2040: 34% | 2045: 42% | 2050: 70%

⁵ Article 15 ReFuelEU regulation.

⁶ Article 3 ReFuelEU regulation.

⁷ Under article 9 (2), aviation fuel suppliers shall provide aircraft operators with relevant, accurate information relating to the reporting period, free of charge, as soon as possible, and in any case not later than 14 February of each reporting year.

⁸ Article 3 (21): the head office or registered office of an aviation fuel supplier in the Member State within which the principal financial and operational control of the aviation fuel supplier takes place. Article 11 (8): For aviation fuel suppliers which do not have their principal place of business in a Member State, the responsible member state shall be the one in which the aviation fuel supplier supplied the most aviation fuel in 2023 or in the first year of providing aviation fuel in the Union market, whichever the latest.

⁹ Article 10: the in article 31 bis of Directive (EU) 2018/2001 provided Union database.

¹⁰ Article 5 ReFuelEU regulation.

¹¹ Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering member state for each aircraft operator (OJ L 219, 22.8.2009, p. 1).

¹² In this case the respective member state, EASA and the EC need to be informed before the 30th of June in the year before the reporting year.

¹³ Article 8 ReFuelEU regulation.

Furthermore, the ReFuelEU regulation establishes a voluntary environmental labelling scheme enabling the environmental performance of flights to be measured. On the 22nd and 23rd of January, EASA will organize a workshop for aircraft operators. The implementing regulation on this environmental labelling scheme is to be adopted by the end of 2024.

Obligations Union airport (managing bodies)

A Union airport¹⁴ is an airport where passenger traffic was higher than 800,000 passengers or where the freight traffic was higher than 100,000 tonnes in the previous reporting period, and which is not situated in an outermost region.¹⁵ A Union airport managing body means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of the different operators present in the airports or airport network concerned.¹⁶

The EC will attribute Union airports to member states. The EC will publish a yearly list with the Union airports that are in-scope for the coming reporting year. Similar to aircraft operators, attribution will be determined based on n-2 data. For Union airports, attribution will be based on Eurostat data.

An airport located on the Union territory that does not reach the thresholds laid down in the ReFuelEU regulation, or located in outermost regions, can request the national competent authorities to be treated as a Union airport and be subject to the ReFuelEU regulation. This request should be sent to the national competent authorities, the EC and EASA before the 30th of June preceding the reporting year in which the airport wishes to be treated as an Union airport under the ReFuelEU regulation.

Union airport managing bodies shall take all necessary measures to facilitate the access of aircraft operators to aviation fuels containing minimum shares of SAF in accordance with the ReFuelEU-regulation.¹⁷ Where aircraft operators report to the national competent authorities difficulties in accessing, at a given Union airport, aviation fuels containing minimum shares of SAF in accordance with the ReFuelEU regulation, the national competent authorities shall request the Union airport managing body to provide the necessary information. In cases of non-compliance, the national competent authorities shall request the Union airport managing body to identify and take the necessary measures to address the lack of adequate access of aircraft operators to aviation fuels containing minimum shares of SAF without undue delay, and in any case no later than three years after the request of the national competent authorities.¹⁸ The national competent authorities will send all relevant information flowing from the above to EASA for their yearly technical report.¹⁹

¹⁴ As defined in article 2, point 1 of Directive 2009/12/EC.

¹⁵ Article 349 of the Treaty on the Functioning of the European Union.

¹⁶ As defined in article 2, point (2), of Directive 2009/12/EC or, where the member state concerned has reserved the management of the centralised infrastructures for fuel distribution systems for another body pursuant to Article 8(1) of Council Directive 96/67/EC (13), that other body.

¹⁷ On airports falling within the scope of Regulation (EU) 2023/1804 on the deployment of alternative fuels infrastructure.

¹⁸ Article 6 (3) ReFuelEU regulation.

¹⁹ Article 13 ReFuelEU regulation.

Union airport managing bodies, aviation fuel suppliers and fuel handlers²⁰ shall, where appropriate, cooperate with their respective member state for the preparation of the national policy frameworks for the deployment of alternative fuels infrastructure. These parties will cooperate and undertake efforts to facilitate the access to hydrogen or electricity and to provide infrastructure and services necessary for the delivery, storage and uplifting of such hydrogen or electricity.²¹

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By March 31st 2025, and every two years thereafter, Union airport managing bodies shall report to the national competent authorities and EASA on the state of advancement of existing projects, for their respective Union airport, with regards to the aforementioned paragraph.²²

Entry into force

The ReFuelEU regulation shall generally apply from January 1st 2024. However, several articles shall apply from January 1st 2025.

ReFuelEU articles that apply from January 1st 2025

Article	Regarding
Article 4	Shares of SAF available at Union airports (blending mandate for aviation fuel suppliers)
Article 5	Refuelling obligation for aircraft operators
Article 6	Obligations of Union airport managing body to facilitate the access to SAF
Article 8	Reporting obligations for aircraft operators
Article 10	Reporting obligations for aviation fuel suppliers

Next steps

IenW has started with the necessary national steps for the implementation of the ReFuelEU regulation. This is done together with the relevant parties, including the intended national competent authorities, the Dutch Emissions Authority (NEa) and the Human Environment and Transport Inspectorate (ILT). The NEa is the intended national competent authority for aviation fuel suppliers and aircraft operators. The ILT is the intended national competent authority for Union airports. Both national competent authorities will be tasked to enforce the ReFuelEU regulation and to impose fines in case of non-compliance.

The legislative proposal will be send to the House of Representatives in the first half of 2024. After review, the proposal will be send to the Senate. IenW will keep you updated on the outcomes of the legislative process.

In support of the implementation of the ReFuelEU regulation, the EC and EASA have initiated the 'ReFuelEU Ms Network' and the 'sub-group on sustainable aviation' as part of the 'Expert Group on Aviation Internal Market'. The network and sub-group will provide the platform where member states can flag challenges and exchange (legal or policy-related) views and interpretations with the EC and EASA. In 2024 the EC and EASA will provide the following deliverables:

- A consolidated list of aviation fuels suppliers, aircraft operators and Union airports per member state;

²⁰ Article 3 (20) ReFuelEU regulation: a supplier of ground-handling services that organises and carries out fuelling and defueling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries, to aircraft operators at Union airports, as referred to in the Annex to Directive 96/67/EC.

²¹ Article 7 (1) and (2) ReFuelEU regulation.

²² Article 7 (3) ReFuelEU regulation.

- Guidelines on the exemptions to the anti-tankering prohibition provided in article 5;
- A report on the flexibility mechanism as provided in article 15;
- The implementing regulation regarding the environmental labelling scheme as mentioned in article 14;
- Further information regarding the penalty system.

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IenW will strive to inform you in a timely manner on the abovementioned developments and to allow you to provide any relevant insights and pose questions. Further information will be provided during the stakeholder sessions which will be planned in 2024.

For further information on the implementation of the ReFuelEU regulation, aviation fuel suppliers and aircraft operators can contact the NEa ([Home | Nederlandse Emissieautoriteit](#)). Airports can direct their questions to the ILT ([Home | Inspectie Leefomgeving en Transport \(ILT\) \(ilent.nl\)](#)).

Should you have any further questions feel free to contact me.

Kind regards,

M. Roelofs
Policy Advisor