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COMMISSION NOTICE

Guidance clarifying certain EU rules applicable to passengers and tourism as well as transport operators, including in light of the current reduced supply of jet fuel from the Middle East

(C/2026/2669)

1. Introduction

European solidarity, coordination and swift action by governments and industry alike ensured that passengers stranded in the Gulf region could return home. This was a clear demonstration of the resilience of our transport system during crises. Unfortunately, the Middle East conflict continues to affect Europe's transport and tourism systems, including through disruptions to energy supply and the closure of certain air and shipping routes. While passengers may have returned home, many seafarers remain stranded on vessels blocked in the area.

Energy exports from the area through maritime routes have been reduced to a trickle due to the de facto closure of the Strait of Hormuz. As a result, fuel prices across all modes of transport have sharply increased, impacting both the competitiveness of businesses and the affordability of transport services in the Union and beyond.

Despite these effects, travel options within and to the EU are broadly unaffected. The overall situation remains stable, and at this stage, there is no concrete evidence of fuel shortages. However, if the conflict persists, supply disruptions could occur, in particular for jet fuels. Travellers may experience disruptions, including delays, cancellations, longer travel times and higher prices.

While at this stage, the overall impact of the Middle East conflict on tourism remains limited, the Commission is working with Member States and stakeholders to closely monitor how the situation evolves.

When it comes to transport operators, the most visible impact of the Middle East conflict is the increase in fuel costs, which affects road, rail, maritime and aviation alike.

The present guidance serves to explain to passengers, travellers and operators alike the possibilities of protection set out under EU rules. It also informs Member States and stakeholders on the application of other relevant EU rules that allow to counter price increases or deal with situations arising from potential jet fuel shortages, should they occur. It ensures a harmonised and coordinated application of relevant EU rules across Member States, to secure the proper functioning of the internal market and help preserve essential connectivity.

This guidance sets out guiding principles for tourism and passenger rights in chapter 2, and provides clarifications on the transport acquis in chapter 3, with a specific focus on aviation. It builds on the European Commission Communication AccelerateEU [1] adopted on 22 April 2026.

At the same time, the Commission, together with Member States and stakeholders, will remain vigilant as to how the situation evolves.

2. Tourism, passenger and traveller rights

Tourism is closely linked to transport connectivity and is affected by the current situation. At this stage, available data indicate that overall impacts on tourism remain limited, with demand remaining broadly resilient. Early indications also suggest some reorientation of travel patterns, with reduced long-haul flows on certain routes and relatively stronger demand for intra-European and domestic travel.

The Commission is working closely with Member States and stakeholders for a coordinated response. This includes establishing a dedicated Tourism Crisis Coordination Network to support cross-border information exchange and crisis coordination paying particular attention to peripheral Member States.

[1] COM(2026) 370 AccelerateEU – Energy Union - affordable and secure energy through accelerated action.

The current situation does not point to the need for dedicated measures for the tourism sector, unlike during the COVID-19 crisis. Continued monitoring remains essential, in particular to assess potential impacts on destinations, tourism businesses and small and medium-sized enterprises (SMEs), including those exposed to long-haul markets or higher transport costs.

Passengers and travellers continue to benefit from strong protection under EU law. This includes rights linked to reimbursement, re-routing, assistance and clear information in case of disruptions, notably under EU passenger rights ([2]) and package travel legislation ([3]). Economic operators are reminded of their obligations to provide accurate, transparent and timely information to travellers, including in cases of cancellations or changes to travel arrangements. Overall, it is essential to raise awareness of passengers and travellers about their rights. Stronger efforts should be made by all relevant actors to ensure that passengers and travellers are fully informed of their entitlements and able to exercise them effectively when disruptions occur.

a. *Air passenger rights*

When it comes to air passenger rights, for all types of cancellations, the passenger, under Regulation (EC) No 261/2004 ([4]), has the right to choose reimbursement, re-routing or return, and is also entitled to assistance at the airport.

For cancellations less than 14 days before the scheduled departure, the operating air carrier is in principle required to pay compensation unless the passenger was offered re-routing in good time ([5]). However, the operating air carrier can be exempted from paying compensation subject to proving that the cancellation is caused by 'extraordinary circumstances' which could not have been avoided even if all reasonable measures had been taken ([6]).

The Commission is of the view that a local fuel shortage preventing the operation of a flight may be considered an 'extraordinary circumstance' ([7]). However, cancellations caused by exceptionally high fuel prices, as opposed to local fuel shortages, cannot be considered as constituting 'extraordinary circumstances'.

Fuel accounts for a significant proportion of air carriers' costs and is well known to be subject to considerable price volatility. For this reason, many carriers hedge against the risks of fuel price volatility. When fuel costs are high for longer periods, the additional cost is eventually passed through into higher air fares. Freedom of pricing under the Air Services Regulation ([8]) allows airlines to adjust prices prior to selling a ticket to reflect changes in their operating costs, and to compete on that basis. Managing price volatility is a normal part of an airline's business.

Where air carriers make payments to passengers, for reimbursement or compensation, they may do so in money or in the form of a voucher. However, reimbursement by means of a voucher is only possible if the passenger expressly agrees to it. Commission Recommendation (EU) 2020/648 ([9]) sets out several recommended characteristics of vouchers to make them more attractive to passengers or travellers, in relation to their validity, flexibility, transferability, reimbursability and clarity.

([2]) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance) - Commission Statement (OJ L 46, 17.2.2004, p. 1).

([3]) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

([4]) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance) - Commission Statement (OJ L 46, 17.2.2004, p. 1).

([5]) Article 5(3) of Regulation (EC) No 261/2004.

([6]) According to the case law, the requirement to pay compensation may not apply in case it would amount to an intolerable sacrifice in the light of the capacities of the air carrier's undertaking at the relevant time, *Transportes Aéros Portugueses*, C-74/19, 11 June 2020, ECLI:EU:C:2020:460, paragraph 61, and judgment of 4 April 2019 *Germanwings*, C501/17, EU:C:2019:288, paragraph 19.

([7]) Judgment of 7 July 2022, *SATA International – Azores Airlines*, C-308/21, ECLI:EU:C:2022:533 paragraph 28, concludes that a generalised failure of the refuelling system at an airport can constitute an 'extraordinary circumstance' under Regulation (EC) No 261/2004 provided it is outside the control of the aircraft operator.

([8]) Article 22 of Regulation (EC) No 1008/2008.

([9]) Commission Recommendation (EU) 2020/648 of 13 May 2020 on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services in the context of the COVID-19 pandemic (OJ L 151, 14.5.2020, p. 10).

To avoid disputes as experienced during the COVID-19 pandemic, airlines and travel intermediaries are strongly encouraged to follow those recommendations. It is furthermore essential that they follow practices they committed to implement and agreed in dialogues within the framework of the consumer protection cooperation mechanism established under Regulation (EU) 2017/2394 ([10]). These commitments continue to apply in the current context and ensure *inter alia* that, in the event of flight disruptions, passengers are provided with clear information about their rights, can easily contact airlines and intermediaries and are reimbursed in a timely manner. These best practices detail the need for sufficient and unbiased information for the passenger about their rights and options, as well as the need for proper communication between air carriers and travel intermediaries. Airlines and travel intermediaries that were not involved in the aforementioned dialogues should follow the relevant standards as best practices.

b. *Package travel*

Directive (EU) 2015/2302 ([11]) on package travel contains specific rules for travellers having bought a combination of two or more different types of travel services (e.g. flight and accommodation). Package organisers must be easily contactable and ensure all necessary information for travellers stranded at the travel destination, including on consular protection, and must propose alternative arrangements in light of the situation. Where packages have not yet started, both organisers and travellers may terminate the contract because of unavoidable and extraordinary circumstances, giving travellers the right to a refund within 14 days. The CJEU has confirmed that organisers may offer a voucher instead of a 14-day refund on a voluntary basis ([12]) and that refund rights arising from the termination of a package travel contract must be covered by insolvency protection ([13]).

Revised rules on package travel ([14]) have recently been adopted, containing more detailed provisions to facilitate the use of vouchers, setting out, for example, their key characteristics and relevant rights of travellers. In light of the current crisis, the Commission encourages package organisers to apply the new rules on vouchers on a voluntary basis when offering vouchers to travellers already before the formal deadline for transposition into national law and the adaptation period of six months.

c. *Fuel surcharges*

The rules on transparent pricing of air tickets in Regulation (EC) No 1008/2008 ([15]) require that the final ticket price including all unavoidable and foreseeable price elements must be displayed at all times when offering or publishing air fares to the general public. As this obligation applies explicitly to the final ticket price to be paid, any retroactive change of the price is excluded.

Consequently, airlines may not include terms and conditions which would allow them to increase the price of the ticket above what is advertised at the time of purchase simply because fuel was more expensive than they had accounted for. Even if such flexible clauses were to be considered optional price supplements ([16]), they would have to be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the customer must be on an 'opt-in' basis. Consequently, air carriers whose terms and conditions still allow for fuel surcharges to be applied after ticket sale must modify those terms and conditions, as these are not compliant with Regulation (EC) No 1008/2008.

([10]) Airline intermediaries' dialogues.

([11]) Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

([12]) Judgment of 8 June 2023, *Union fédérale des consommateurs*, C-407/21, ECLI:EU:C:2023:449 paragraph 34, which confirmed that package organisers may offer travellers to agree, on a voluntary basis, to accept a voucher instead of reimbursement in the form of a sum of money, in so far as such a possibility does not deprive that traveller of his or her right to that reimbursement in money.

([13]) Joined Cases C-771/22 and C-45/23, operative part and paragraphs 90 and 91.

([14]) Directive (EU) 2026/1024 of the European Parliament and of the Council of 29 April 2026 amending Directive (EU) 2015/2302 to make the protection of travellers more effective and to simplify and clarify certain aspects of that Directive (OJ L, 2026/1024, 8.5.2026, ELI: http://data.europa.eu/eli/dir/2026/1024/oj).

([15]) Article 23 of Regulation (EC) No 1008/2008.

([16]) Within the meaning of the fourth sentence of Article 23(1) of Regulation (EC) No 1008/2008.

For holiday packages, the Package Travel Directive gives organisers the possibility to increase the price of a package after the conclusion of the contract if that possibility is stipulated in the contract and if the price increase is a direct consequence of changes in the price of the carriage of passengers resulting from the cost of fuel or other power sources. Should such an increase of the price of the carriage of passengers resulting from the cost of fuel or other power sources occur, a price increase of up to eight percent of the price of the package does not require the traveller's agreement ([17]). If the proposed price increase exceeds eight percent of the price of the package, the traveller may either accept the price increase or terminate the contract without paying a termination fee. Where a package travel contract gives organisers the possibility to increase prices resulting from the cost or fuel of other power sources, travellers have the right to a price reduction if fuel prices go down.

Any price increase can be proposed only if the organiser informs the traveller clearly and comprehensibly of it at the latest 20 days before departure, with a justification for that increase and a calculation on a durable medium.

3. **Air transport**

Concerning aviation, no jet fuel shortages have been reported across the EU. If the conflict in the Middle East persists, it could potentially lead to jet fuel scarcity, which in turn may affect air transport, including causing flight cancellations. The situation may also give rise to changes in fuelling policy by air carriers departing from EU airports.

This notice sets out guiding principles specifically in relation to airport slots, fuel uplift obligations, public service obligations and the use of different grades of jet fuel.

a. *Airport slots*

Council Regulation (EEC) No 95/93 (Slots Regulation) ([18]) aims to ensure, where airport capacity is scarce, that the available landing and take-off slots attributed to air carriers are effectively used at least 80 percent of the time. In certain unforeseeable and unavoidable circumstances outside the air carrier's control, this obligation may be waived, notably in the case of:

— closure of an airport or airspace;

— serious disturbance of operations at the airports concerned, including those series of slots at other Community airports related to routes which have been affected by such disturbance, during a substantial part of the relevant scheduling period ([19]).

Against this backdrop, the Commission endorses the Recommendation of 13 March 2026 and updated on 21 April 2026 adopted by the European Airport Coordinators Association (EUACA) 'on the application of Justified Non-Use of Slots (JNUS) with regard to the Middle East Crisis/Iran war in the context of the military conflict' ([20]). The Recommendation covers notably the situation where the occurrence of one of the situations mentioned above is due to fuel shortage resulting from the military conflict.

The JNUS in that case should apply both to the departure and destination airports. This includes the case that an air transport operator is able to access sufficient fuel at airport A to operate a flight from airport A to a destination airport B, but is unable to tanker sufficient fuel at airport B due to constrained jet fuel supply at this airport and thus is unable to operate the following flight leg, be it back to airport A or to another destination airport.

The Commission calls on EUACA to update their Recommendation when necessary to provide clarity and a harmonised approach on the situations where JNUS will be granted, including its duration, and the evidence required for coordinators to take a decision, such as Notice to Airmen (NOTAM), while allowing coordinators to distinguish between cancellations linked to fuel shortages and a purely commercial decision to cancel unprofitable flights.

([17]) Article 10(1)(a) and 10(2) of Directive (EU) 2015/2302.
([18]) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14, 22.1.1993, p. 1).
([19]) Article 10(4) of the Slots Regulation.
([20]) Recommendation on the application of JNUS with regard to the Middle East crisis / Iran (13 March 2026, updated 21 April 2026).

The Commission considers that the cost of jet fuel can in principle not be considered a serious disturbance of operations giving rise to JNUS under the EU Slots Regulation ([21]).

If the situation worsens and existing flexibilities no longer suffice, the Commission will consider proposing temporary changes to the Regulation when and where justified, designed to limit any potential negative impacts on the Single Market.

b. *Fuel uplift obligations for aircraft operators*

Regulation (EU) 2023/2405 (RFEUA) ([22]) requires aircraft operators to refuel at least 90 percent of the yearly aviation fuel required at each departing Union airport from which they operate commercial air transport flights ([23]). Nevertheless, that regulation allows aircraft operators to fall below this threshold for reasons of '*compliance with applicable fuel safety rules*' ([24]).

The Interpretative Guidelines on the application of the exemptions referred to in Article 5 of RFEUA ([25]) provide examples of events which may require to uplift more aviation fuel at the departing airport for compliance with fuel safety rules, and consequently risking not meeting the threshold at the destination Union airport defined in RFEUA. Those examples include:

'*cases of aviation fuel shortage (…) at the destination airport, justified by the respective notice to airmen (NOTAM) and/or by a communication from the fuel supplier (if available), or by any other reports within the management system in point ORO.GEN.200 "management system" (…) of Annex IV to Commission Regulation (EU) No 965/2012 (pilot reports, other operators' reports, authority reports, or information provided by airline associations)*' ([26]).

In those cases, aircraft operators must duly justify falling below the 90 percent threshold laid down in Article 5(1) RFEUA to the relevant competent authority and to the European Union Aviation Safety Agency (EASA) in the following year as part of their annual reporting obligations ([27]).

The European Commission invites Member States to ensure that NOTAMs are issued as swiftly as possible in all cases of aviation fuel shortage at a given airport where such shortage is identified, and to accept these NOTAMs as sufficient evidence for aircraft operators making use of that airport to be exempted from the 90 percent uplift requirement pursuant to Article 5(1) RFEUA.

Those examples of exemptions for compliance with fuel safety rules do not include cases of significant jet fuel price increases, consequently, these are not considered as relevant justifications for the use of exemptions under Article 5(2) RFEUA.

c. *Safeguarding essential air connectivity*

In case the operator of a route under Public Service Obligations (PSO) experiences difficulties to perform its obligations on a given route because of fuel shortages or because exceptionally high fuel prices render the operation impracticable at the regulated ticket price, Member States are encouraged to use the clauses integrated into their contracts as much as possible. Many contracts concluded since the COVID-19 pandemic include clauses to adapt frequencies, address fuel price hikes through fuel indexation clauses, or even covering cases of force majeure in situations of exceptional changes in circumstances out of the operators' and Member States' control.

EU rules also explicitly provide for a special procedure in case of sudden interruption of service by the air carrier previously selected to carry out a PSO on a given route. It entitles the Member State, in case of emergency, to select rapidly a different air carrier to operate that PSO route, for a period of up to seven months ([28]). In this case, no public tender is needed.

([21]) Art. 10 (4) (a) 3rd indent.
([22]) Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation) (OJ L, 2023/2405, 31.10.2023, ELI: http://data.europa.eu/eli/reg/2023/2405/oj).
([23]) Article 5(1) RFEUA.
([24]) Article 5(2) RFEUA.
([25]) Interpretative Guidelines on the application of the exemptions referred to in Article 5 of Regulation (EU) 2023/2405 of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation) (hereinafter 'the Interpretative Guidelines').
([26]) Point 4.2 of the Interpretative Guidelines.
([27]) Article 8 RFEUA.
([28]) Article 16(12) of Regulation 1008/2008.

As mentioned in the Temporary State Aid Framework adopted on 29 April 2026 ([29]), to help alleviate the pressure from increasing ticket prices, Member States can also provide social aid for persons dependent on air routes for their connectivity needs. Social aid for the transport of residents of remote regions does not need to be notified to the Commission if it complies with the conditions laid down in Article 51 of the General Block Exemption Regulation (GBER). Any aid granted under this provision must be awarded on a non-discriminatory basis in relation to the air carriers, without regard to the identity of the air carrier or the type of service provided. The aid intensity can reach up to 100 % of the price of a return ticket to or from the remote region, including all taxes and charges invoiced by the carrier to the consumer.

d. *Use of Jet A grade fuel*

Industry stakeholders are assessing the feasibility of using Jet A grade fuel at locations historically supplied with Jet A-1 as a temporary and pragmatic measure to ensure the continuity of fuel supply across EU airports should shortages materialise.

There is no regulatory obligation mandating the use of either fuel grade. Large aircraft are generally certified to operate on both Jet A and Jet A-1, and Jet A is routinely used in North America and on transatlantic operations into Europe.

There are also no regulatory obstacles to the use of Jet A fuel imported to Europe provided its use is properly managed and communicated throughout the fuel supply chain to ensure highest standards of safe operation. A change of fuel grade within a logistics system may require the agreement of the users connected to that system.

Stakeholders are invited to consult the Safety Information Bulletin published by the EASA on this topic ([30]).

4. **Conclusion**

While this Notice set out guiding principles for tourism, passengers and aviation, the Commission acknowledges that other modes of transport are also impacted by the conflict in Middle East, and in particular through increased fuel costs.

For road transport, diesel traditionally accounts for around one third of transport companies' operating costs, and road transport businesses operate on very low margins. Given the very high number of SMEs in the sector, current fuel price increases may make certain road transport operations unprofitable.

For maritime transport, the sudden increase in fuel prices has generated exceptional, sudden, and unexpected burden on certain maritime routes, thereby endangering the continuity and economic viability of these essential maritime connectivity services.

Inland waterway transport and rail transport are also affected by rising fuel prices.

The Temporary State Aid Framework adopted on 29 April 2026, to support sectors affected by the Middle East conflict, sets out possibilities for Member States to support companies as regards the increased cost of diesel for transport operations in the road, rail, maritime and inland waterways sectors.

Should the current crisis also extend towards a scenario of possible fuel scarcity, further action could be contemplated to ensure business continuity and the proper functioning of supply chains within the EU.

For all modes of transport, the Commission is closely monitoring the situation and the potential effects of the Middle East conflict on connectivity, including through the activation of the National Transport Contact Points set up under the Transport Contingency Plan and is ready to take additional measures if required.

([29]) Communication from the Commission - Middle East Crisis Temporary State Aid Framework (OJ C, C/2026/2593, 5.5.2026, ELI: http://data.europa.eu/eli/C/2026/2593/oj).

([30]) EASA - SIB No.: 2026-04 Aviation Turbine Fuel – Use of Jet A Grade Fuel in a Jet A-1 Environmenthttps://ad.easa.europa.eu/ad/2026-04.