



# Greener skies, higher costs: Recent developments in the Dutch aviation sector

**bureau Brandeis**

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## Introduction

Following the recent announcement of Royal Schiphol Group's ("RSG") new airport charges and conditions for the upcoming period, the Dutch aviation sector once again finds itself in a state of heightened tension. After a critical period of losses, redundancies, and labour shortages caused by the COVID-19 pandemic, airlines and airport operators are now striving to restore operations and recover financially. At the same time, stricter environmental regulations — covering fuel use, noise emissions, and sustainability targets — are taking hold across the sector. These developments, coupled with the proposed capacity reductions at Schiphol Airport, place long-term sustainability firmly on the agenda both in the Netherlands and across Europe.

This blog explores three of the most significant current developments in the Dutch aviation sector:

- Schiphol Airport Charges 2025–2027
- Capacity Reduction at Schiphol
- Intensified Regulation on Noise and Emission

## Schiphol Airport Charges 2025-2027

On 31 October 2024, RSG announced an average 37% increase in airport charges for the 2025–2027 period. According to RSG, this rise is primarily driven by higher operating costs (including staff), significant inflation, planned investments (such as the new A-Pier), and settlements from previous periods. The new charges and conditions also introduce a more refined noise-based differentiation: the quieter and cleaner the aircraft, the lower the relative charges for the airline.

Under the Dutch Aviation Act (*Wet Luchtvaart*, "Wlv"), RSG, as the airport operator, is required to set airport charges and conditions every three years. These must be cost-related, reasonable and non-

discriminatory. Before finalising the charges and conditions, RSG submits a cost allocation system for approval to the Dutch Authority for Consumers and Markets (“ACM”). This system determines which costs are allocated to aviation-related activities (and thus charged to airport users, i.e. airlines), and which relate to non-aviation activities such as retail, food services and parking. The ACM approved the 2025–2027 cost allocation system on 19 June 2024.

At the request of various airlines and representative organisations, the ACM reviewed the charges and conditions. On 27 May 2025, it concluded that the new charges were largely in accordance with the rules under the Wlv. The ACM rejected objections raised by airlines concerning a lack of transparency and consultation, the absence of efficiency incentives, insufficient justification for investments, and the significant price increase partly due to pandemic-related settlements. These arguments, it noted, had already been addressed in previous reviews and upheld by the Dutch Trade and Industry Appeals Tribunal.

Broader criticism of RSG’s stricter noise and emissions-based charge differentiation was also dismissed. According to the ACM, the Wlv does not require such differentiation to be strictly proportional to actual emissions or noise levels.

However, in line with an earlier suspension decision, the ACM ruled that RSG’s proposed outright ban on certain ‘noisy aircraft types’ is incompatible with the Wlv. Such a restriction constitutes an operating restriction not permitted under the Regulation 598/2014 and also contradicts the recent European Commission opinion within this Balanced Approach framework. As the Minister has already limited this ban to night operations based on that opinion, RSG is not authorised to impose a broader ban (e.g., during the day). Only once the ministerial regulation takes effect may RSG reflect the night-time ban in its airport charges and conditions.

The other new charges and conditions came into effect on 1 April 2025. The appeal period for the airport charges decision will expire shortly.

### **Capacity reduction at Schiphol**

As noted above, the European Commission recently issued its decision on the Dutch government’s notification under the Balanced Approach procedure for Schiphol. This decision followed the State’s proposed measure to structurally reduce aircraft movements at the airport in order to limit noise pollution.

In 2023, the Minister of Infrastructure and Water Management introduced an experimental scheme (the so-called *Experimenteerregeling Schiphol*), aimed at reducing noise nuisance around the airport. The Scheme abandoned the ‘New Standards and Enforcement System’ used since 2010 — which prioritised the use of runways that generate the least noise — and instead reverted to the older system under the Schiphol Airport Traffic Decree (*Luchthavenverkeersbesluit*, “**LVB**”), which defines specific ‘enforcement points’ near the runways. Under the Experimental Scheme, the maximum number of aircraft movements at Schiphol was set at 460,000 per year, instead of the previous 500,000. Because this was framed as an experiment and a reversion to existing legislation, the Minister argued that the consultation procedure outlined in the Balanced Approach Regulation did not need to be followed.

The aviation sector strongly opposed this reasoning. Multiple airlines initiated legal proceedings against the Dutch State (and RSG). Following judgments by the North Holland District Court and the Amsterdam Court of Appeal, the Dutch Supreme Court definitively ruled in July 2024 that the Experimental Scheme did constitute an ‘operating restriction’, for which the Balanced Approach must be followed. In short, the Supreme Court held that the State must first consult stakeholders and identify the noise problem before introducing any restriction. The Noise Regulation is not intended to support a reduction process as such, but rather to ensure effective noise abatement through the selection of the most appropriate and cost-effective measures, based on quantitative evidence.

While these court proceedings were still ongoing, the Minister commenced the consultation process with the European Commission. Initially, the Minister proposed reducing annual aircraft movements to 440,000, but later revised the figure to a cap of 478,000 movements per year.

As part of the Balanced Approach procedure, the European Commission issued its opinion on 5 March 2025. It concluded that the Dutch government had failed to sufficiently assess alternative measures, such as fleet renewal, before imposing a restriction which should be seen as a measure of last resort. The Commission also criticised the analysis for focusing only on commercial aviation, omitting general and business aviation (such as private and emergency flights). Furthermore, the Commission expressed concern about the lack of transparency in how future take-off and landing slots would be allocated. Reducing the number of aircraft movements inevitably means that some airlines must relinquish

their so-called ‘historic slots’ under the EU Slot Regulation. In 2023, Airport Coordination Netherlands (“ACNL”) had already issued a policy rule explaining that in the event that available slots fall short of the total number of historic rights, slots will be allocated based on proportionality (see *Policy Rule Slot allocation in case of exceedance of historic rights*).

Despite the Commission’s partially negative opinion, the Dutch State proceeded with the capacity reduction. In response, several airlines and organisations initiated fresh legal proceedings. On 23 April 2025, the North Holland District Court declared these parties inadmissible in civil summary proceedings, stating that they could seek redress against the final LVB amendment through the administrative courts.

On 6 May 2025, the Minister officially published the amended Schiphol LVB, establishing a structural limit of 478,000 aircraft movements per year, including a maximum of 27,000 night-time movements. The decision will enter into force on 1 November 2025.

Administrative proceedings against this decision are still ongoing. The case is now before the highest administrative court (the Administrative Jurisdiction Division of the Council of State), which is expected to issue a final decision soon. The hearing is scheduled for Thursday 24 July 2025.

Meanwhile, RSG has already incorporated the new cap into its Capacity Declaration for the IATA Winter 2025/2026 season, published on 8 May. Based on this, ACNL will proceed with slot allocation this summer. In the meantime, with the expected final judgment on the capacity reduction still pending, it remains to be seen whether the final judgment will and can lead to any last minute changes in the slot allocation.

## **Intensified Regulation on Noise and Emission**

### *Sustainable Aviation Fuel*

In addition to noise reduction, lowering emissions and encouraging the use of more sustainable fuel remain key objectives. At the end of 2023, the European Parliament and the Council adopted the ReFuelEU Aviation Regulation (2023/2405), aiming to gradually increase the use of sustainable aviation fuel (“SAF”) at EU airports. From early 2025, fuel suppliers are required to blend at least 2% SAF into regular kerosene. This share will rise to 6% by 2030, 20% by 2035, and ultimately 70% by 2050. Furthermore, airlines are obliged to refuel at least 90% of their fuel requirements at their

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departure airport — preventing the circumvention of SAF obligations via so-called ‘tankering’ (carrying excess fuel from airports without such rules).

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### *Tightening of Market Mechanisms*

In line with these developments, the European Commission published a proposal in April 2025 to update the rules for monitoring, reporting and verification under the EU Emissions Trading System (“EU ETS”). The EU ETS is a market-based instrument designed to limit CO<sub>2</sub> emissions from various sectors, including aviation, by allocating emission allowances that companies can buy, sell or trade. By putting a price on emissions, the system encourages cost-effective reductions.

This update also aims to improve alignment with the international Carbon Offsetting and Reduction Scheme for International Aviation (“CORSIA”), developed by the International Civil Aviation Organization (“ICAO”). CORSIA similarly targets CO<sub>2</sub> emissions from international flights through a market mechanism.


The proposed changes simplify how airlines report use of SAF (where covered by CORSIA), as well as how they must monitor and verify reports for cancelling emission allowances. The changes also being clarified to better align with other new EU aviation rules, ReFuelEU.

### *Stricter standards for new aircraft*

Furthermore, in March 2025 the ICAO member states reached agreement on a new set of binding global standards for fuel efficiency and noise reduction for newly certified aircraft. Awaiting formal adoption by the ICAO Council, the member states have agreed that certain noise standards will apply to aircraft certified from 1 January 2029, and certain fuel efficiency standards will apply from 31 December 2031. New commercial aircraft certified after these dates must meet global CO<sub>2</sub>-standards requiring at least a 10% improvement in fuel efficiency compared to current standards. Compared to aircraft designs from the year 2000, new aircraft must be approximately 35% more efficient. Additionally, from 2029, aircraft must be at least 6 decibels quieter, equating to a 30% reduction in noise emissions.

### **Conclusion**

With rising airport charges and increasingly demanding sustainability obligations, airlines and airport operators find themselves in an ever more complex and regulated environment. Meanwhile, the uncertainty surrounding Schiphol’s future capacity

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limits continues to cloud investment planning and long-term strategy. Now that the amended Schiphol Airport Traffic Decree has been formally published, a final decision on capacity reduction is in reach. This should provide greater clarity for all stakeholders across the travel sector in the near future. All in all, with Schiphol as a crucial economic hub, the airport remains an important public facility for Dutch travellers, and the travel sector continues to form a key pillar of the Dutch economy.

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