

## APPLICATION FOR ACCESS TO DOCUMENTS

Regulation (EC) No 1049/2001 · Regulation (EC) No 1367/2006

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**To: European Commission — Secretariat-General Submitted via the *Request a Commission document* portal**

**Applicant:**

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Represented by: Krzysztof Okliński, Member of the Board, Coordinator of the Office and Strategic Projects office@world3zero.org · www.world3zero.org

**Date:** 27 August 2026

**Subject:** Documents concerning the treatment of business and private aviation in proposal COM(2026) 616 final, procedure 2026/0212 (COD)

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### 1. Application

World 3.0 Foundation is a non-governmental organisation registered in Poland, working on climate policy and regulatory transparency.

The Foundation is the petitioner in petition No 1360/2026, *Climate Justice in Aviation: Closing the Tax Loopholes for Private Jets*, registered by the European Parliament on 17 June 2026 (ref. D 501873).

Supplementary information on that petition was submitted to the Committee on Petitions on 26 August 2026, addressing proposal COM(2026) 616 final of 17 July 2026.

Demand 8 of the petition calls on the Commission to publish the independent climate justifications for the 1,000-tonne emissions threshold and the 5,700 kg weight exclusion, or to amend those parameters in the absence of such justifications. The present application seeks the documentary record on which that question turns.

Pursuant to Article 15(3) TFEU, Article 42 of the Charter of Fundamental Rights and Regulation (EC) No 1049/2001, I request access to the documents set out below.

### 2. Documents requested

#### Part A — Analytical basis of the business aviation provisions

Documents drawn up or received by the Directorate-General for Climate Action, or by the Cabinet of the Commissioner for Climate Action, in the preparation of COM(2026) 616 final, concerning the following points.

##### A.1 — The 10,000-tonne exclusion within the extended scope

Annex I of the proposal brings within scope, from 1 January 2029, flights departing from aerodromes in the territory of a Member State, save for operators flying between two different States whose total annual emissions fall below 10,000 tonnes.

I request the analytical basis for that figure: options papers, quantified coverage estimates, modelling of the number of operators and the volume of emissions falling above and below alternative values, and any assessment of its effect on business and private aviation specifically.

The explanatory memorandum justifies the exclusion by reference to administrative burden. I request the documents quantifying that burden, including any estimate of the number of additional operators concerned and the administrative cost per operator at 10,000 tonnes as against lower values.

#### **A.2 — Retention of the 1,000-tonne threshold and of the 5,700 kg weight exclusion**

The proposal amends points (j) and (k) of the aviation row of Annex I. The threshold applicable to non-commercial operators is retained at 1,000 tonnes, and the absolute exclusion for aircraft with a maximum take-off mass below 5,700 kg is not among the amended provisions.

I request documents recording the consideration given to amending either parameter during the preparation of the proposal, including any options in which they were varied, and the reasons recorded for retaining them.

#### **A.3 — Analysis carried out since SWD(2021) 603**

Impact assessment SWD(2021) 603 states that, as a result of the exclusion for aircraft below 5,700 kg and the emissions thresholds, most business aviation is de facto excluded from the obligation to report or to surrender allowances.

I request any analysis carried out or commissioned by DG CLIMA since that document on the coverage of business and private aviation under the EU ETS, including emissions estimates, coverage rates, external contractor deliverables and internal notes.

Should no such analysis have been carried out between 2021 and the adoption of the July 2026 proposal, I request confirmation of that fact.

#### **A.4 — The list of business aircraft**

Recital 15 of the proposal provides for implementing powers to be conferred on the Commission under Regulation (EU) No 182/2011 to adopt a list of aircraft considered to be business aircraft. I request:

- documents concerning the criteria under consideration for that list, including drafts, technical parameters and correspondence with the European Union Aviation Safety Agency or Eurocontrol;
- documents concerning the choice of an implementing act, rather than a definition in the basic act, as the instrument for delimiting the category;

- agendas, minutes, working documents and written procedures of the Climate Change Committee, or of any other committee within the meaning of Regulation (EU) No 182/2011, insofar as they concern that list.

#### **A.5 — Attribution of emissions under fractional ownership and fleet management models**

Documents concerning whether, in preparing the proposal, consideration was given to attributing emissions to the economic beneficiary or actual user of an aircraft rather than solely to the formal operator, and to the aggregation of emissions across aircraft within a single ownership group. This includes any assessment of the extent to which fractional ownership and fleet management structures affect the operator-level application of the thresholds in Annex I.

Should no such consideration have taken place, I request confirmation of that fact.

#### **A.6 — Impact assessment material**

The impact assessment work relating to aviation accompanying COM(2026) 616, including annexes, supporting studies, external deliverables and correspondence with the Regulatory Scrutiny Board, to the extent not already published.

#### **Part B — Contacts with sectoral interest representatives**

Minutes, notes, agendas, attendance lists, summaries, correspondence, position papers, technical submissions, drafting suggestions and presentation materials recording or arising from contacts between the Directorate-General for Climate Action (at any level, including the Director-General, Directors, Heads of Unit and policy officers) or the Cabinet of the Commissioner for Climate Action, and:

1. **European Business Aviation Association (EBAA)** — Transparency Register ID 120566513356-64
2. **General Aviation Manufacturers Association (GAMA)** — Transparency Register ID 49221685491-82

including representatives, member undertakings, consultants, law firms and public affairs agencies acting on their behalf.

**Subject-matter limitation.** Part B is limited to contacts concerning:

(i) the emissions thresholds applicable to aircraft operators under Annex I of Directive 2003/87/EC; (ii) the exclusion of aircraft with a maximum take-off mass below 5,700 kg; (iii) the treatment of business, corporate or non-commercial aviation under the EU ETS, including the definition of a business flight and the list of business aircraft; (iv) the geographical scope of EU ETS aviation and its relationship with CORSIA; (v) eligibility for reserved allowances.

**Temporal limitation.** 1 January 2024 to the date of this application.

#### **3. Scope of "documents"**

Pursuant to Article 3(a) of Regulation 1049/2001, this application covers content held in any medium. It therefore includes text messages, instant messaging exchanges and voice-message transcripts relating to the subject matter above (see Case T-36/23, *Stevi and The New York Times Company v Commission*).

Should the Commission hold no such content, I request an explicit statement to that effect, describing the searches undertaken and the applicable recording practice.

#### **4. Submissions on possible exceptions**

**4.1 Legislative context.** COM(2026) 616 is subject to the ordinary legislative procedure. Under Article 12(2) of Regulation 1049/2001, documents drawn up or received in the course of procedures for the adoption of legislative acts should be made directly accessible, and exceptions are to be construed narrowly (Joined Cases C-39/05 P and C-52/05 P, *Sweden and Turco v Council*; Case C-57/16 P, *ClientEarth v Commission*).

**4.2 Article 4(3).** The Commission adopted the proposal on 17 July 2026. The internal process to which the Part A documents relate has concluded. No general presumption of confidentiality applies to documents of this kind, and any refusal requires a concrete, individual examination establishing a specific and actual risk to the decision-making process.

**4.3 Aarhus Regulation.** The documents relate to information on emissions into the environment within the meaning of Article 6(1) of Regulation (EC) No 1367/2006. An overriding public interest in disclosure is accordingly deemed to exist as regards the exceptions in the first and third indents of Article 4(2) of Regulation 1049/2001. Commercial interests cannot be invoked to withhold information on emissions into the environment.

**4.4 Overriding public interest.** The thresholds and exclusions at issue determine whether a carbon price applies to the most emissions-intensive form of passenger transport per passenger, at a time when the Union is extending emissions trading to household heating and road transport fuels. The proposal remains under negotiation, with agreement targeted for the first quarter of 2027. There is a pressing public interest in the analytical basis of these parameters being available while they can still be amended.

**4.5 Nature of the request.** The Foundation makes no allegation of unlawful conduct by any party. The purpose of this application is to establish the documentary record supporting parameters whose justification is not apparent from the published legislative material.

#### **5. Procedural requests**

**5.1 Partial access.** Where an exception applies to part of a document, I request access to the remainder pursuant to Article 4(6).

**5.2 Personal data.** I consent to the redaction of the personal data of individual officials and individual representatives in accordance with Regulation (EU) 2018/1725. Organisation names, and the function and hierarchical level of the officials involved, are not personal data warranting protection. The absence of consent from data subjects cannot justify withholding entire documents.

**5.3 Fair solution.** Should the application concern a very large number of documents, I ask to be contacted under Article 6(3) with a view to a fair solution rather than a refusal. I am willing to accept staged disclosure, in the following order of priority: A.1, A.2, A.4, A.5, Part B, A.3, A.6.

**5.4 Format.** Delivery in electronic form.

**5.5 Time limit.** A reply within fifteen working days pursuant to Article 7(1). Should an extension under Article 7(3) be considered necessary, I ask that the specific reasons be stated.

**5.6 Registry references.** Where documents are identified but withheld in whole or in part, I request a list identifying each document by date, author, addressee, title and registry reference, together with the specific exception relied upon for each.

Yours faithfully,

**Krzysztof Okliński** Member of the Board Coordinator of the Office and Strategic Projects World 3.0 Foundation ul. Bolesława Chrobrego 26 lok. 1, 81-783 Sopot, Poland [office@world3zero.org](mailto:office@world3zero.org)