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KRZYSZTOF
OKLIŃSKI
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SUPPLEMENTARY INFORMATION

Petition No 1360/2026

TO: Secretariat of the Committee on Petitions, European Parliament

FROM: Krzysztof Okliński, Bolesława Chrobrego 26 lok. 1, 81-783 Sopot, Poland

DATE: 26 August 2026

SUBJECT: Petition No 1360/2026 — "Climate Justice in Aviation: Closing the Tax Loopholes for Private Jets", submitted on 22 May 2026 (ref. D 501873)

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1. Purpose of this submission

The petitioner submits supplementary information concerning a legislative development that occurred after the date of the petition and bears directly on its subject matter. This submission does not extend the scope of the petition and introduces no new requests.

2. The development

On 17 July 2026 the Commission tabled proposal COM(2026) 616 final, procedure 2026/0212 (COD), amending Directive 2003/87/EC and Decision (EU) 2015/1814. The proposal addresses, among others, the review clause in Article 28b of Directive 2003/87/EC, which was due by 1 July 2026 and concerned the environmental integrity of CORSIA and the geographical scope of the EU ETS for aviation. No separate review document was published; the clause was addressed within this proposal.

The proposal amends the aviation exclusions in Annex I to Directive 2003/87/EC. The amending text is set out in Council document 12073/26 ADD 1 of 20 July 2026 (COM(2026) 616 final, Annexes 1 to 2). The transposition deadline is 31 December 2028 and the provisions would apply from 1 January 2029.

3. One element responds to the petition

Points (j) and (k) of the aviation row of Annex I are replaced. The exclusion now covers aircraft operators with total annual emissions below 1,000 tonnes, with no distinction between commercial and non-commercial operators and with the number-of-flights criterion removed.

The petitioner welcomes this. Charter operators holding an air operator certificate, until now benefiting from the 10,000-tonne commercial threshold, would fall to 1,000 tonnes. Within European business aviation this segment accounts for a substantial share of departures.

The petitioner notes, however, that the 1,000-tonne threshold applicable to private operators is left unchanged, for the third consecutive revision of the aviation provisions. Three further points require the Committee's attention.

4. First point — a 10,000-tonne exclusion in the extended scope

The aviation row of Annex I is supplemented by a sentence bringing within scope, from 1 January 2029, flights departing from aerodromes situated in the territory of a Member State, except for aircraft operators operating flights between two different States with total annual emissions below 10,000 tonnes.

The newly covered scope therefore carries an exclusion threshold ten times higher than the intra-EEA one. According to the International Council on Clean Transportation, the average private jet emits approximately 810 tonnes of CO_2 equivalent
excluded from the very extension intended to bring long-haul flights under a carbon price — that is, from precisely the routes identified in the petition as falling outside any pricing instrument.

The explanatory memorandum justifies this exclusion by reference to limiting the administrative burden on airlines and administering authorities. That is the same justification which produced the 1,000-tonne threshold in 2013. The petitioner refers in this connection to the correspondence with the European Union Aviation Safety Agency of April 2026, in which the Agency confirmed that Regulation (EU) No

965/2012 presents no technical obstacle to the regulation of short-haul private flights, and that the regulation of emissions falls within the competence of the European Commission.

5. Second point — the 5,700 kg exclusion is not addressed

Directive 2003/87/EC excludes absolutely from the EU ETS aircraft with a maximum take-off mass below 5,700 kg, irrespective of the level of emissions, the frequency of flights or the identity of the operator. The proposal amends only points (j) and (k) of the aviation row of Annex I. The weight-based exclusion is not among the amended provisions and would therefore remain in force unchanged beyond 2029, notwithstanding that the Article 28b review clause provided the occasion to examine it.

6. Third point — the definition of a business flight is left to an implementing act

Recital 15 of the proposal provides that implementing powers are to be conferred on the Commission, in accordance with Regulation (EU) No 182/2011, to adopt a list of aircraft considered to be business aircraft. The proposal contains no substantive definition. The material reach of the provisions concerning business flights would therefore be determined by an act adopted outside the ordinary legislative procedure, and thus outside the scrutiny exercised by the European Parliament in the course of its work on the proposal.

7. The exclusion was described by the Commission in 2021

Impact assessment SWD(2021) 603, accompanying the proposal that became Directive (EU) 2023/958, lists the exclusion for aircraft below 5,700 kg, the 1,000-tonne threshold for non-commercial operators and the 10,000-tonne threshold for commercial operators, and states expressly that, as a result, most business aviation is de facto excluded from the obligation to report or to surrender allowances. The Commission described that effect in its own document in 2021, and the reform adopted in 2023 left the thresholds unchanged.

8. An observation on the sequence

Flights departing from the EEA to third countries were to have been covered by the EU ETS from 1 January 2012 under Directive 2008/101/EC. That coverage was suspended in 2013, limited to intra-EEA flights until 2016, extended to 2023, and then to 2026. The present proposal indicates 2029. Seventeen years will have elapsed between the date on which the obligation was to take effect and the date now proposed, and the proposed scope carries an exclusion which the majority of private operators would not exceed.

The petitioner draws the Committee’s attention to the direction in which this architecture runs. Recital 10 of the proposal confirms that the limitation of scope applies only until 31 December 2026. That limitation is drafted as a temporary derogation and has twice required active extension, in 2014 and in 2017. On the petitioner’s reading of its structure, if it lapses and nothing replaces it, the wider scope set out in Annex I revives by operation of law from 1 January 2027, without the qualifications contained in the present proposal. The petitioner has not seen a statement of the Commission’s position on the transitional situation should procedure 2026/0212 (COD) not conclude before that date, and would welcome clarification of it.

Measured against that baseline, the proposal narrows rather than widens the reach of carbon pricing over the flights in question. Under the lapse of the derogation, extra-European flights would fall within scope subject to the existing 1,000-tonne de minimis. Under the proposal they fall within scope from 2029 subject to a 10,000-tonne de minimis. For an operator emitting approximately 810 tonnes a year, that is the difference between a threshold which the most intensive users might cross and a threshold which none of them will.

9. Requests

The petitioner respectfully requests that the Committee:

(a) take this information into account when considering the petition and when preparing the summary and the recommendations for the Members of the Committee on Petitions;

(b) consider forwarding the petition for information to the Committee on the Environment, Climate and Food Safety (ENVI), given that the subject matter of the petition coincides with an act currently under consideration by the European Parliament under procedure 2026/0212 (COD).

Yours faithfully,

Krzysztof Okliński
Member of the Board, Coordinator of the Office and Strategic Projects
World 3.0 Foundation
office@world3zero.org | www.world3zero.org