



5.4.2022

NOTICE TO MEMBERS

Subject: Petition No 0885/2021 by P.O.S. (Spanish) on the environmental impact of private jet air traffic in the European Union

1. Summary of petition

The petitioner states that CO₂ emissions from private planes in Europe increased by almost a third (31%) between 2005 and 2019, which is a much faster rate of growth than for commercial aviation. Despite their impact on the climate, private jets are not currently subject to tax in the majority of European countries due to exemptions from the EU emissions trading system (EU ETS) and to the fact that kerosene continues to be untaxed. He asks for this type of air traffic to be restricted as much as possible, given its negative environmental impact. He requests that the European Commission be urged to draw up a legal framework that will apply to the whole of the European Union to provide strict regulation for this form of transport, with the aim of restricting it as much as possible in order to protect the environment.

2. Admissibility

Declared admissible on 4 January 2022. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 5 April 2022

The Commission understands the petitioner's concern and agrees that all modes of transport should bear their full carbon costs, including 'private jets'.

It is also the case that carbon emission per passenger kilometre for a private jet is comparatively high, so it is important that such transport is also covered by climate-related regulations as far as possible.

As a first observation, the Commission notes that the vast majority of emissions from the use

of private jets within the European Union is already subject to carbon pricing.

The EU Emissions Trading System in the Union¹ (ETS) already sets a carbon price on emissions from private jet flights within the EEA, unless the flights are operated by a non-commercial operator² that emits less than 1 000 tonnes of carbon dioxide (CO₂) per year or by a commercial operator that operated less than 243 flights per consecutive period of four months or emitted less than 10 000 tonnes of CO₂ annually. These exemptions are justified by the fact that covering emissions from those operators would lead to an excessive administrative burden on public authorities, not commensurate with the environmental benefit of such an inclusion.

The Energy Taxation Directive³ provides that, as a general rule, aviation fuel is exempt from energy taxation. However, the fuel used for private pleasure flying of private jets is taxed at the rate applicable to motor fuels. Under the Energy Taxation Directive, private pleasure flying means the use of an aircraft by its owner or the natural or legal person who enjoys its use either through hire or through any other means, other than for commercial purposes.

The European Union is fully committed to becoming climate neutral by 2050 and to reduce its greenhouse gas emissions by at least 55% compared to 1990 levels by 2030. These targets are in line with the Paris Agreement global temperature goals. The Commission presented a comprehensive package of legislative proposals on 14 July 2021⁴, notably setting out how the air transport sector will contribute to these targets. The Commission proposed several measures aiming at reinforcing carbon pricing in the aviation sector and promoting the use of sustainable aviation fuels.

More specifically, the Commission proposed to strengthen the EU ETS. Under this proposal, the EU ETS will continue to apply to emissions from private jets, subject to the exemptions outlined above.

The Commission also proposed to revise the Energy Taxation Directive. Under this proposal, the taxation currently applicable to private pleasure flying would be extended to business flights⁵.

In addition, with the ReFuelEU Aviation initiative⁶, the Commission aims to boost supply and

¹ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union, OJ L 275 25.10.2003, p. 32 (the ‘EU ETS Directive’).

² Under the EU ETS Directive, a commercial air transport operator means ‘an operator that, for remuneration, provides scheduled or non-scheduled air transport services to the public for the carriage of passengers, freight or mail’.

³ Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, OJ L 283 31.10.2003, p. 51 (the ‘Energy Taxation Directive’).

⁴<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0550&from=EN>; https://eur-lex.europa.eu/resource.html?uri=cellar:00c59688-e577-11eb-a1a5-01aa75ed71a1.0001.02/DOC_1&format=PDF

⁵ Under Article 14 of the proposal to revise the Energy Taxation Directive, ‘business aviation’ means the operation or use of aircraft by companies or individuals for the carriage of passengers or goods as an aid to the conduct of their business, flown for purposes generally considered not for public hire and piloted by individuals having, at the minimum, a valid commercial pilot license with an instrument rating. Furthermore, under Article 14 of that proposal, ‘pleasure flights’ means the use of an aircraft for personal or recreational purposes not associated with a business or professional use.

⁶https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12303-Sustainable-aviation-fuels-ReFuelEU-Aviation_en

uptake of sustainable aviation fuels, which will significantly reduce environmental impacts of aviation.

This legislative package is now being reviewed by the European Parliament and the Council.

Conclusion

The European Union is taking action to reduce aviation emissions, in particular by putting a price on CO₂ emissions from a wide scope of flights, including flights performed using a private jet.