

POSITION PAPER

January 2025

ReFuelEU Aviation Antitankering Implementation Challenges

European Business Aviation views

Introduction

The European Business Aviation Association (EBAA) wishes to convey its views regarding the forthcoming entry into force of the ReFuelEU Aviation Regulation, applicable from the 1st of January 2025.

This position paper **outlines the main concerns and challenges faced by the business aviation sector in complying with Article 5 and 8 of the regulation**. Article 5 mandates aircraft operators to uplift a minimum of 90% of their yearly aviation fuel requirement at any EU airport, aiming to reduce the carbon footprint associated with carrying excessive fuel weight on board, while Article 8 establishes associated reporting obligations.

While we commend the objective of promoting sustainable practices within the European aviation sector, we believe that the specific requirements of this mandate pose considerable technical and operational challenges for business aviation due to the distinct realities of our sector.

These challenges include: significant administrative burdens, potential safety risks, and limited environmental benefits, which could inadvertently compromise the efficiency and safety of our operations.

We note that the operational and administrative requirements established by ReFuelEU were designed with the operational framework of commercial airlines as their primary focus, failing to adequately consider the distinct operating model and systemic constraints faced by business aviation in the European airspace. **Consequently, this regulation disproportionately impacts this segment of the European aviation ecosystem.**

To achieve a more balanced approach in the regulation and better reflect the operational nature and characteristics of business aviation, EBAA calls on the Commission to:

- **Exempt business aircraft weighing less than 30 tons or with fewer than 19 seats, or provide greater flexibility in the exemption request process under Article 5(3)**. This should account for the unscheduled nature of business aviation operations, including allowing operators to submit requests closer to the date of the flights requiring exemptions.
- **Collaborate with EASA to ensure Civil Aviation Authorities (CAAs) apply tankering obligations and grant exemptions in a consistent and uniform manner** to provide predictability to operators and prevent interpretative discrepancies within the European aviation system.
- **Establish a separate reporting period for the RefuelEU annual report under Article 8**, distinct from the ETS reporting deadline, to ease the administrative burden on business aviation operators.

This comprehensive approach ensures that the industry's needs are considered without undermining broader sustainability objectives.

For further reading, this position paper details:

1. The challenges necessitating operational tankering practises in business aviation;
2. The difficulties in applying for exemptions as per the interpretative guidelines published by the Commission on the 9th of November 2024;
3. The key challenges faced by business aviation operators in complying with the refuelling threshold of Article 5 and the associated reporting obligations under Article 8.

We also highlight factors that **limit the environmental** benefits of the anti-tankering measures for business aviation, suggesting that the regulation may not achieve its intended environmental objectives in our sector.

This content is informed by feedback gathered from member operators through an internal consultation within the organisation. We aim to provide constructive insights and propose recommendations for a tailored regulatory approach that ensures both environmental sustainability and the continued safety and efficiency of business aviation operations.

1) Challenges necessitating operational tankering practises in business aviation

Business aviation operators often resort to the practice of tankering due to the unscheduled nature of their operations and the external logistical challenges they face at airports. Unlike commercial airlines with fixed schedules, business aviation operates on demand, making it difficult to predict when and where refuelling will be necessary or feasible. In many situations, tankering fuel is necessary to avoid refuelling delays, meet tight schedules and remain compliant with airport curfew regulations.

In addition, business aviation frequently involves flights to and from airports with limited fuel availability or inadequate ground support services. Despite their smaller size, many of these airports fall within the scope of ReFuelEU, as they serve more than 800,000 passengers a year. **The combination of unpredictable scheduling and limited infrastructure makes tankering a practical necessity for maintaining operational efficiency.**

Moreover, business aviation operators often face **operational disadvantages at airports**. Fuel services at several airports systematically prioritise commercial airlines over business aviation, leading to waiting times ranging from 60 to 120 minutes for the latter. This situation is exacerbated during peak seasons at smaller airports, where traffic congestion increases refuelling times while turnaround times are reduced to a minimum. In this context, **tankering becomes the only viable option for business aviation** to save time on the ground and avoid unintended consequences such as crew stress, flight time limitations issues, missed ATC slots, and potential fines—all of which are detrimental to safety and business operations. By avoiding refuelling at these airports, business aviation helps ease the burden on fuel suppliers, allowing them to focus on serving airlines efficiently. This reduces the likelihood of missed slots, which would otherwise increase ATC workload, potentially impact safety, and undermine the overall reliability of European aviation traffic.

While Art.5 of ReFuelEU aims to address *economic* tankering—the practice of carrying excess fuel to save money when fuel and service costs at the departure airport are significantly lower than at the destination, as per the International Civil Aviation Organisation (ICAO)'s definition¹—this is not the primary driver for business aviation operators to resort to *operational* tankering.

¹ [ICAO, 2022 Environmental Report, p.159, 2022.](#)

In fact, the unscheduled nature of business aviation, paired with the systemic challenges they face at airports, indicate that the majority of instances leading business aviation operators to rely on tankering fall within the ICAO's definition of "operational tankering," which refers to situations where *"it is operationally not possible or desirable to refuel at the destination airport, due to circumstances such as social disruptions, technical failures of the refuelling facility, shortages of or contaminated fuel, or to achieve short turnaround times or avoid the risk of delays"*².

In summary, the necessity of operational tankering in business aviation stems from the unique characteristics of the sector, including on-demand operations, limited infrastructure at certain airports, and the need to maintain tight schedules without compromising safety.

These factors make tankering an essential practice rather than a cost-saving measure, differentiating it from the economic tankering targeted by ReFuelEU.

2) Key challenges for Business aviation

Business aviation faces unique operational and safety challenges as it adapts to refuelling obligations and reporting requirements under ReFuelEU Aviation. While operators are committed to sustainability goals, they must also manage the risks associated with compliance, including operational delays, crew fatigue, fuel-related hazards, administrative burdens, and difficulties in requesting exemptions.

Reducing the environmental footprint of the European aviation sector is an imperative objective, but it is equally important to avoid placing a disproportionate burden on business aviation operators. ReFuelEU's obligations could compromise their ability to maintain safety standards, as well as the flexibility and efficiency that are the key added value of business aviation as a transport option.

2.1 Operational and safety challenges

The regulation's tankering obligations lead to an increased frequency of refuelling operations at airports, extending turnaround times at airports and impacting smaller business aviation operators, often facing lower priority for fuel services. Frequent refuelling and potential waiting times create cumulative delays, which disrupt the often short-notice and flexible schedules characteristic of business aviation.

Delays resulting from refuelling can lead to economic losses for operators and increase the likelihood of missed Air Traffic Control (ATC) slots, thereby placing additional strain on the entire air traffic system. Moreover, the cumulative effect of these delays can reduce essential crew rest periods, exacerbating fatigue and directly undermining pilot decision-making, attention, and overall performance, ultimately heightening the risk of operational errors and compromising safety standards.

The regulation is also likely to have unintended consequences for the price of fuel, particularly at smaller airports. These airports, often avoided for refuelling due to high costs or limited services, may now experience heightened demand, driving fuel prices upward. To aggravate this challenge, many airports are served by a single fuel supplier, creating a monopolistic environment. EBAA is concerned that Article 5 of the regulation could inadvertently enable

² Ibidem.

these monopoly providers to exploit the situation by significantly raising fuel prices, potentially inflating costs well above market rates and disproportionately impacting all aviation operators.

While EBAA fully supports the transition to sustainable aviation, the anti-tankering mandate under ReFuelEU Aviation may create a trade-off where essential operational and safety standards of the business aviation sector are compromised for minimal or even counterproductive environmental gains, as discussed in Chapter 3 of this document.

2.2 Administrative burden

The reporting obligations under Article 8 of the regulation place additional pressure on business aviation operators, many of whom are small- and medium-sized enterprises, as they must prepare extensive documentation. Given their typically lean operations and limited human and financial resources compared to airlines, such operators may find it challenging to comply with these substantial reporting requirements.

The workload for operators is further increased because the deadline for submitting the ReFuelEU annual report coincides with the deadline for submitting the report for the Emissions Trading System (ETS), as outlined in Article 68 of EU Regulation 2018/2066. Compliance with ReFuelEU mandates depends heavily on the timely provision of data from fuel suppliers, which further constrains the already limited timeframe available for preparing the report. Additionally, the report must undergo verification by an accredited auditor prior to submission to the relevant authority. These overlapping deadlines create an acute peak workload for operators, imposing considerable administrative and operational pressures during this period.

A revised deadline would help alleviate this burden. By providing a distinct timeframe for the RefuelEU report, operators would be better positioned to meet the regulatory obligations in a more manageable manner, considering their limited human and financial resources.

2.3 Challenges to request exemptions

Article 5(3) of ReFuelEU Aviation specifies conditions under which an aircraft operator may fall below the mandated fuel threshold and request ad-hoc exemptions. EBAA welcomes the recent interpretative guidelines published by the European Commission, which provide clarity on the process and conditions for these exemption requests. However, business aviation operators will encounter significant challenges in complying with and effectively benefiting from the approach set forth by the regulation.

The unscheduled nature of business aviation creates obstacles to adhering to specific refuelling schedules. Business aviation typically operates on-demand, unscheduled flights, making it difficult to plan fuelling needs far in advance. Exemption requests require documentation and evidence of recurring operational challenges, a standard that is often unattainable in the unpredictable context of unscheduled flights. While essential to the business aviation model, this operational flexibility makes it challenging to meet the exemption criteria, which are structured around scheduled flight operations.

The time-intensive process for requesting temporary exemptions under Article 5(3) further complicates compliance. The regulation requires that operators submit detailed justifications for exemptions **at least three months in advance**. For business aviation, this foresight is unrealistic, as operators often cannot predict specific routes or operational difficulties so far ahead. This rigidity makes the exemption process cumbersome and impractical for many business aviation operators, who frequently fly to airports where conditions meeting the criteria for an exemption are not unusual but rather commonplace.

The interpretative guidelines intend to clarify the operational flexibility envisioned by Article 5 through a process to request ad-hoc exemptions. However, the requirements for obtaining these may be challenging for business aviation operators to fulfil. To ensure that exemptions are practical and reflect the unique characteristics of business aviation, operators should be allowed to submit exemption requests closer to the date of the flights requiring them.

3) Factors limiting environmental benefits of antitankering for business aviation

The typically lighter weight of aircraft used in business aviation, compared to those operated by airlines, would reduce the fuel saving potential of curbing tankering practices. Given that 75% of European business aviation traffic consists of small aircraft³, ranging from turboprops to mid-size jets, the impact of curbing fuel tankering would be minimal as business jets typically carry far smaller quantities of fuel compared to commercial airliners. For example, when comparing full-fuel tankering to a mid-tank scenario, a Pilatus PC-12—a common turboprop model—only shows a 1% increase in fuel consumption over the distance travelled. For other small aircraft types, such as the Cessna Citation CJ4 or the Pilatus PC-24, this increase is around 2%. Therefore, for aircraft under 30 tons, which represent the majority of European business aviation, the environmental benefit of enforcing a tankering restriction is effectively close to zero.

Implementing this rule **may also unintentionally hinder business aviation operators from adopting other impactful CO₂ reduction initiatives.** For example, EBAA has received feedback from members who were considering operating positioning flights at long-range cruise speeds to achieve approximately 15% fuel savings. However, the extended turnaround times required to comply with ReFuelEU's antitankering obligations could disrupt flight schedules, making it more challenging for operators to adopt speed optimisation measures. Repositioning flights is one of the key areas in which business aviation has long been committed to reducing its overall carbon footprint. By making it harder to decarbonise repositioning flights in order to enforce compliance with antitankering rules, the regulation could work against its own aviation decarbonisation objectives.

An additional concern regards the increased ground activity at airports that such a rule would entail. **More frequent refuelling operations results in additional vehicle movements, truck refills, and delivery routes, which could offset CO₂ reduction obtained by enforcing the antitankering mandate.** For example, if a business jet requires multiple small refuels at airports where ground service is limited, this leads to more refuelling trips, adding to emissions from ground vehicles and fuel supply chains. Thus, the environmental impact of CO₂ emissions generated from transporting fuel by land or sea should also be taken into account. Moreover, several smaller or regional airports serving business aviation may lack the infrastructure or staffing needed to meet increased refuelling demands, potentially causing further operational delays.

In light of this, the effort required to comply with Art.5 of ReFuel EU, considering operational pressure, safety risks, the need for additional resources, as well as constraints at airports, is disproportionate to the minimal environmental gains.

³ EBAA, [Business aviation traffic tracker Europe - December 2023](#), p.17, data extrapolated from EUROCONTROL's data.

4) Let's work together

We believe that a tailored regulatory approach that considers the scale and nature of business aviation is essential to achieving meaningful CO₂ reductions. In view of the envisioned review clause of the regulation in 2027, we commit to continuing to gather concrete evidence of the operational challenges business operators may face in complying with Art.5 and Art.8 of ReFuelEU Aviation to provide the Commission with facts and data that could inform the inclusion of appropriate flexibility measures for business aviation in view of a potential revision of the regulation.

Specifically, EBAA calls the Commission to:

- **Exempt business aircraft weighing less than 30 tons or with fewer than 19 seats, or provide greater flexibility in the exemption request process under Article 5(3).** This should account for the unscheduled nature of business aviation operations, including allowing operators to submit requests closer to the date of the flights requiring exemptions.
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This comprehensive approach ensures that the business aviation industry's needs are considered without undermining broader sustainability objectives.

[See our **policy manifesto** for the EU Institutional Term 2024 – 2029](#)

[See more information on the **business aviation industry in Europe**](#)

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About EBAA

The European Business Aviation Association (EBAA) is the leading organisation for operators of business aircraft in Europe. Our mission is to enable responsible, sustainable growth for business aviation, enhance connectivity and create opportunities. EBAA works to improve safety standards and share knowledge, to further positive regulation and to ease all aspects of closely tailored, flexible, point to point air transportation for individuals, governments, businesses and local communities in the most time-efficient way possible. Founded in 1977 and based in Brussels, EBAA represents +700 members companies, corporate operators, commercial operators, manufacturers, airports, fixedbased operators, and more, with a total fleet of +1,000 aircraft.

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