

Environmental Newsletter

February 2026 | www.skslegal.pl

I. Amendments to Aviation Law — Aviation Fuels and the ReFuelEU Policy

Recently, a significant area of legislative change has concerned regulations related to the ReFuelEU Aviation policy, forming part of the EU climate package “Fit for 55.” Following the entry into force of Regulation (EU) 2023/2405 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation)¹, it was necessary to adopt Polish implementing provisions. Accordingly, on 5 February 2026, the Council of Ministers adopted a draft amendment to the Aviation Law (No. UC68²; “**Amendment**”) which will be submitted for further legislative work in the Sejm.

Objective of the ReFuelEU Aviation policy

The ReFuelEU Aviation policy aims to increase the share of sustainable aviation fuels³ (“SAF”) in the total fuel consumption in air transport, and to create a legal framework encouraging the development of the production and distribution of low-emission fuels. EU law provides for the introduction of gradual targets concerning the minimum share of SAF in fuel supplies at airports. As of 1 January 2025, aviation fuels uplifted at selected EU airports must contain a minimum share of SAF (2% in the years 2025–2029), with this threshold gradually increasing in subsequent years up to 70% by 2050.

New Polish provisions

The Amendment adjusts Polish regulations regarding the obligations of aviation fuel suppliers and aircraft operators, fuel certification requirements, and reporting rules. Polish legislation clarifies, among other things, the procedure for submitting information concerning SAF. An airport managing body may request necessary data from entities engaged in fuel handling services and from aircraft operators who then have 14 days to provide such information. This may include, among others, documents confirming SAF deliveries, documents concerning difficulties in ensuring SAF supplies, and contracts concluded for the supply of such fuels.

The new provisions also introduce administrative fines for failing to comply with obligations arising from Regulation (EU) 2023/2405 and the Polish implementing provisions. For example, where an aircraft operator fails to meet the requirement under Article 5(1) of Regulation (EU) 2023/2405 — according to which, the annual quantity of aviation fuel uplifted at a given airport must amount to at least 90% of the annual aviation fuel required — the operator is subject to a fine equal to twice the amount corresponding to the product of the annual average aviation fuel price per tonne, and the total annual shortfall in fuel uplift.

The Amendment also introduces changes to the Act of 25 August 2006 on biocomponents and liquid biofuels. The new provisions establish, for example, a minimum greenhouse gas emission reduction threshold of 70% for liquid and gaseous recycled carbon fuels, which previously resulted from Commission Delegated Regulation (EU) 2023/1185.

New competences of the President of the Civil Aviation Authority

The Amendment also expands the competences of the President of the Civil Aviation Authority (“CAA”), who has been designated as the competent authority responsible for enforcing Regulation (EU) 2023/2405. The CAA President has, among other things, been granted the power to issue decisions on temporary exemptions for operators from certain obligations under the Regulation, as well as to designate airports as EU airports within the meaning of EU law, thereby making them subject to the new requirements.

II. The European Commission Published a Draft CCV Regulation

The European Commission has published a draft Regulation (“**Draft**”)⁴ aimed at reducing CO₂ emissions from corporate car and van fleets (clean corporate vehicles, “CCV”). At this stage, only the draft legal act has been published and it will be further processed by the European Parliament and the Council. The final shape of the regulation, including the detailed scope of obligations and the deadlines for their entry into force, may still change during interinstitutional negotiations.

¹ Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring fair competition conditions for sustainable air transport (ReFuelEU Aviation) (OJ EU L 2023/2405 of 31.10.2023, as amended)

² Draft Act amending the Aviation Law and certain other acts

³ Fuels included in the following groups: synthetic aviation fuels, aviation biofuels or recycled carbon fuels for aviation

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025PC0994>

Who will be covered by the Draft?

The Draft will apply only to large undertakings using corporate vehicle fleets, i.e., those which, in a given financial year, meet at least one of the following criteria:

- 1) total assets of at least EUR 25,000,000,
- 2) net turnover of at least EUR 50,000,000, or
- 3) an average of at least 250 employees during the financial year.

What is the objective of the Draft?

The Draft provides for mechanisms to gradually increase the share of low-emission and zero-emission vehicles used by large undertakings. The table below presents the targets to be set for Poland.

Vehicle category	M1 – passenger cars	N1 – light commercial vehicles
Target for the combined share of zero- and low-emission vehicles from 2030	48%	28%
Minimum target for the share of zero-emission vehicles from 2030	31%	25%
Target for the combined share of zero- and low-emission vehicles from 2035	67%	67%
Minimum target for the share of zero-emission vehicles from 2035	56%	56%

Significance of the Draft for undertakings

These requirements will have operational and financial consequences for undertakings: the obligation to plan a vehicle-fleet replacement in line with decarbonization targets, the need to develop charging infrastructure or access to alternative fuels, updating leasing and rental policies, and implementing monitoring and reporting systems.

III. Amendment to the Act on Spatial Planning and Development – Urban Planning Agreements

On 27 January 2026, the Act of 4 December 2025 amending the Act on Spatial Planning and Development⁵ entered into force. It introduces new regulations concerning urban planning agreements.

What is an urban planning agreement and what does the amendment change?

An urban planning agreement is an agreement concluded in the form of a notarial deed between a municipality and an investor within the procedure for adopting an integrated investment plan. Under such an agreement, the investor undertakes, for the benefit of the municipality, among others, to transfer ownership of real property forming part of the main investment or to carry out or finance a complementary investment. A complementary investment consists of the implementation of a specified infrastructure project serving public purposes, such as the construction of a public road or a school.

Previously, the provisions did not specify detailed conditions for urban planning agreements; this could lead to abuses and discretionary practices in their conclusion. Under the amendment, the municipal council may, by way of a resolution constituting a local law act, determine the principles for defining the provisions of urban planning agreements. Such resolution applies to all urban planning agreements concluded by the municipality, although it is permissible to differentiate the rules depending on the type or parameters of the main investment.

Significance of the amendment for investors

For investors, a municipal council adopting a resolution setting out the principles of urban planning agreements may translate into a greater predictability of investment conditions. Clearly defined rules will enable investors to estimate the scope of obligations arising from an urban planning agreement in advance, thus facilitating the financial and operational planning of investment projects. From the perspective of local governments, the amendment provides a tool to streamline the planning process and ensure transparency in relations with private entities.



⁵ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20260000024/T/D20260024.L.pdf>

How can we help?

- Detailed analysis of the impact of proposed and existing EU and national regulations on business operations.
- Preparation and implementation of compliance procedures concerning fleet transformation and solutions for monitoring emissions and fuel consumption.
- Regulatory advisory services for aviation sector entities, including assistance in implementing SAF requirements, fuel certification, and negotiations with suppliers and airport operators.
- Comprehensive support in the field of urban planning agreements and investment projects, including from the perspective of environmental law requirements.



Contact us!

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