

Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator (Text with EEA relevance)

COMMISSION REGULATION (EC) No 748/2009

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on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC⁽¹⁾, and in particular Article 18a(3)(a) thereof,

Whereas:

- (1) Directive 2003/87/EC, as amended by Directive 2008/101/EC⁽²⁾, includes aviation activities within the scheme for greenhouse gas emission allowance trading within the Community (hereinafter the 'Community scheme').
- (2) In order to reduce the administrative burden on aircraft operators, Directive 2003/87/EC provides for one Member State to be responsible for each aircraft operator. Article 18a(1) and (2) of Directive 2003/87/EC contains the provisions governing the assignment of each aircraft operator to its administering Member State. The list of aircraft operators and their administering Member States (hereinafter 'the list') should ensure that each operator knows which Member State it will be regulated by and that Member States are clear on which operators they should regulate.
- (3) In establishing the list, the Commission has taken into account comments received after it had published a preliminary list of aircraft operators and their administering Member States on 11 February 2009. The list is based on data provided by Eurocontrol using records of flight plans⁽³⁾.
- (4) The requirements of Directive 2003/87/EC apply to aircraft operators as defined in point (o) of Article 3 of that Directive. The inclusion in the Community scheme is linked to the performance of an aviation activity only and is not subject to inclusion on the list. Aircraft operators which perform an aviation activity listed in Annex I to Directive 2003/87/EC are therefore covered by the Community scheme whether or not they are included in the list at the time of the activity. Likewise aircraft operators which cease to

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perform an aviation activity are excluded from the Community scheme once they cease to perform an aviation activity listed in Annex I to Directive 2003/87/EC and not at the time when they are removed from the list.

- (5) The list includes all aircraft operators which have undertaken a relevant aviation activity on or after 1 January 2006, and until 31 December 2008. As such, aircraft operators that have permanently or temporarily ceased to perform their aviation activities might appear on this list. It does not take into consideration whether aircraft operators are included on the Community list of air carriers which, for safety reasons, are subject to an operating ban within the Community in accordance with Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC⁽⁴⁾. This Regulation should therefore be without prejudice to decisions taken by the Commission or Member States in accordance with Regulation (EC) No 2111/2005.
- (6) Each aircraft operator should be attributed a unique code in the list. That code should enable to identify participants in the Community scheme.

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 275, 25.10.2003, p. 32.
- (2) OJ L 8, 13.1.2009, p. 3.
- (3) OJ C 36, 13.2.2009, p. 11. Details of the methodology used for establishing the preliminary list have been made available on the Commission website: http://ec.europa.eu/environment/climat/aviation_en.htm
- (4) OJ L 344, 27.12.2005, p. 15.

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