

Commission Regulation (EU) 2020/535 of 8 April 2020 amending Regulation (EC) No 748/2009 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 (EU) 2020/535

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 and amending Council Directive 96/61/EC⁽¹⁾, and in particular Article 18a(3)(b) thereof,

Whereas:

- (1) Directive 2003/87/EC, as amended by Directive 2008/101/EC of the European Parliament and of the Council⁽²⁾, includes aviation activities in the system for greenhouse gas emission allowance trading within the Union ('EU ETS').
- (2) Commission Regulation (EC) No 748/2009⁽³⁾ establishes a list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006.
- (3) That list aims to reduce the administrative burden on aircraft operators by providing information on which Member State will be regulating a particular aircraft operator.
- (4) The inclusion of an aircraft operator in the EU ETS is dependent upon the performance of an aviation activity listed in Annex I to Directive 2003/87/EC and is not dependent on the inclusion in the list of aircraft operators established by the Commission on the basis of Article 18a(3) of that Directive.
- (5) Pursuant to the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems⁽⁴⁾, aviation activities are to be included in the respective Emissions Trading Systems of the Parties. Switzerland is administer a number of aircraft operators currently administered by a Member State.
- (6) An aircraft operator is to be administered either by a Member State or by Switzerland, not by both. For activities relative to the calculation of compliance against 2019 emissions, the aircraft operators, which will have been reattributed to Switzerland will still be temporarily administered by a Member State

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) 2020/535. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (7) Changes to the list of the aircraft operators are based on the latest data provided by Eurocontrol.
- (8) Regulation (EC) No 748/2009 should therefore be amended accordingly.
- (9) This Regulation should enter into force for the yearly updating of the list of aircraft operators referred to in Article 18a(3)(b) of Directive 2003/87/EC,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 275, 25.10.2003, p. 32.](#)
- (2) Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community ([OJ L 8, 13.1.2009, p. 3.](#))
- (3) 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 ([OJ L 219, 22.8.2009, p. 1.](#))
- (4) [OJ L 322, 7.12.2017, p. 3.](#)

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