Commission Regulation (EU) No 100/2012 of 3 February 2012 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator also taking into consideration the expansion of the Union emission trading scheme to EEA-EFTA countries (Text with EEA relevance)

COMMISSION REGULATION (EU) No 100/2012

of 3 February 2012

amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator also taking into consideration the expansion of the Union emission trading scheme to EEA-EFTA countries

(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 scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC[(1)], and in particular Article 18a(3)(b) thereof,

Whereas:

(1) Directive 2008/101/EC of the European Parliament and of the Council[(2)] amended Directive 2003/87/EC to include aviation activities in the scheme for greenhouse gas emission allowance trading within the European Union.

(2) Commission Regulation (EC) No 748/2009[(3)] establishes a list of aircraft operators which had performed an aviation activity within the meaning of Annex I to Directive 2003/87/EC on or after 1 January 2006.

(3) The 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 in the Union's emissions trading scheme is dependent upon the performance of an aviation activity as set out 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) Directive 2008/101/EC was incorporated into the Agreement on the European Economic Area by Decision of the EEA Joint Committee No 6/2011 of 1 April 2011, amending Annex XX (Environment) to the EEA Agreement[(4)].

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 100/2012. (See end of Document for details)*

(6) The extension of the aviation provisions of the Union emission trading scheme to EEA-EFTA countries implies that the criteria set under Article 18a (1) of Directive 2003/87/EC to determine aircraft operator's administering Member State must be continuously taken into account, thus, certain aircraft operators should be allocated to the EEA-EFTA countries for administration.

(7) In establishing the updated list of the aircraft operators, the Commission has taken account of the fleet list declarations provided to it by operators and service companies. However, a number of management or service companies and aircraft registration markings appear in the updated list due to a lack of information provided.

(8) Regulation (EC) No 748/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No. 748/2009 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 February 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

LIST OF AIRCRAFT OPERATORS THAT PERFORMED AN AVIATION ACTIVITY LISTED IN ANNEX I TO DIRECTIVE 2003/87/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON OR AFTER 1 JANUARY 2006 SPECIFYING THE ADMINISTERING MEMBER STATE FOR EACH AIRCRAFT OPERATOR ALSO TAKING INTO CONSIDERATION THE EXPANSION OF THE UNION EMISSION TRADING SCHEME TO EEA-EFTA COUNTRIES

BELGIUM		
CRCO Identification no.	**Operator Name**	**State of the Operator**
123	Abelag Aviation	BELGIUM
7649	AIRBORNE EXPRESS	UNITED STATES
33612	ALLIED AIR LIMITED	NIGERIA
30020	AVIASTAR-TU CO.	RUSSIAN FEDERATION
31416	AVIA TRAFFIC COMPANY	RUSSIAN FEDERATION
908	BRUSSELS AIRLINES	BELGIUM
25996	CAIRO AVIATION	EGYPT
4369	CAL CARGO AIRLINES	ISRAEL
29517	CAPITAL AVTN SRVCS	NETHERLANDS
f11336	CORPORATE WINGS LLC	UNITED STATES
32909	CRESAIR INC	UNITED STATES
32432	EGYPTAIR CARGO	EGYPT
f12977	EXCELLENT INVESTMENT LLC	UNITED STATES
f11102	FedEx Express Corporate Aviation	UNITED STATES
13457	Flying Partners CVBA	BELGIUM
29427	Flying Service N.V.	BELGIUM
32486	FAYARD ENTERPRISES	UNITED STATES
24578	GAFI GENERAL AVIAT	SWITZERLAND
32737	GREAT ALLIANCE WORLD	UNITED KINGDOM
f12983	GREEN DIESEL LLC	UNITED STATES
29980	HAINAN AIRLINES (2)	CHINA
23700	HEWA BORA AIRWAYS	CONGO
28582	INTER-WETALL	SWITZERLAND
9542	INTL PAPER CY	UNITED STATES
27709	KALITTA AIR	UNITED STATES

26385	KUSTWACHT NEDERLAND	NETHERLANDS
28087	LAS VEGAS CHARTER	UNITED STATES
32303	MASTER TOP LINHAS	BRAZIL
37066	MERIDIAN (AIRWAYS)	BELGIUM
1084	MIL BELGIUM	BELGIUM
26688	NEWELL RUBBERMAID	UNITED STATES
31207	N604FJ LLC	UNITED STATES
f11462	N907WS AVIATION LLC	UNITED STATES
f10341	OfficeMax Inc	UNITED STATES
31660	RIPPLEWOOD AVTN	UNITED STATES
2344	SAUDIA	SAUDI ARABIA
27769	SEA-AIR	BELGIUM
27975	SIA CARGO PTE LTD	SINGAPORE
29222	SILVERBACK CARGO	RWANDA
35334	SONOCO PRODUCTS CO	UNITED STATES
26784	SOUTHERN AIR	UNITED STATES
28453	THOMAS COOK ARL BELG	BELGIUM
27011	TNT AIRWAYS	BELGIUM
34920	TRIDENT AVIATION SVC	UNITED STATES
30011	TUI AIRLINES - JAF	BELGIUM
27911	ULTIMATE ACFT SERVIC	UNITED STATES
31794	UTAIR CARGO	RUSSIAN FEDERATION
13603	VF CORP	UNITED STATES
36269	VF INTERNATIONAL	SWITZERLAND
37064	VIPER CLASSICS LTD	UNITED KINGDOM
20065	V L M	BELGIUM
f11467	WILSON & ASSOCIATES OF DELAWARE LLC	UNITED STATES
37549	YILTAS GROUP	TURKEY
a11534	Operator using TAIL NB: VPBDV	Unknown
a11549	Operator using TAIL NB: VQBHA	Unknown
BULGARIA		

CRCO Identification no.	Operator Name	State of the Operator
27359	AEROTRANS KAZAKSTAN	KAZAKHSTAN
27698	AEROVISTA	UNITED ARAB EMIRATES
33329	AERO POWER LTD	UNITED KINGDOM
23962	AIR BAN	BULGARIA
35743	AIR IBERIA LTD.	GEORGIA
26520	AIR LIBYA 2	LIBYA
11775	AIR VIA BULGARIAN	BULGARIA
33225	AIR VICTORY	GEORGIA
34357	AIR WEST GEORGIA	GEORGIA
31007	ANIKAY AIR MIDDLE E	JORDAN
36020	ARARAT INTERNATIONAL	ARMENIA
28818	ASIAN SPIRIT	PHILIPPINES
37160	AVB 2010 JSC	BULGARIA
33459	BAHRAIN AIR	BAHRAIN
32131	BEIBARS CJSC	KAZAKHSTAN
28445	BH AIR	BULGARIA
27538	BULGARIAN AIR CHRTR.	BULGARIA
29056	BULGARIA AIR	BULGARIA
25981	CARGO AIR LTD.	BULGARIA
32313	EAST WING KAZAKHSTAN	KAZAKHSTAN
36884	FLY ADJARA	GEORGIA
36995	GR AVIA S.A.	GUINEA
10165	HEMUS AIR	BULGARIA
25134	INTERNAL MINISTRY UU	RUSSIAN FEDERATION
28505	IRANIAN AIR TRANSPOR	IRAN, ISLAMIC REPUBLIC OF
31721	JORDAN INT AIR CARGO	JORDAN
27345	KHORIV AVIA	UKRAINE
28246	KOKSHETAU AIRLINE	KAZAKHSTAN
32034	KOMIAVIAVIATRANS 2	RUSSIAN FEDERATION
31019	KREMENCHUK FLIGHT	UKRAINE
21448	MOSCOW AIRLINES JSC	RUSSIAN FEDERATION