Commission Regulation (EU) No 394/2011 of 20 April 2011 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 as regards the expansion of the Union emission trading scheme to EEA-EFTA countries (Text with EEA relevance)

COMMISSION REGULATION (EU) No 394/2011

of 20 April 2011

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 as regards 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)(a) 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 the Directive.

(5) Commission Decision 2009/339/EC of 16 April 2009 amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for emissions and tonne-kilometre data from aviation activities[(4)] was incorporated into the Agreement on the European Economic Area on 4 December 2009 by Decision of the EEA Joint

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 394/2011. (See end of Document for details)*

Committee No 148/2009 amending Annex XX (Environment) to the EEA Agreement[(5)]. This was to ensure the timely start of monitoring by aircraft operators of aviation activities performed either within EEA-EFTA countries, between EEA-EFTA countries, or between EEA-EFTA countries and third countries outside the EEA.

(6) 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[(6)].

(7) 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 an aircraft operator's administering Member State must be taken into account. Thus, certain aircraft operators should be allocated to the EEA-EFTA countries for administration.

(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 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, 20 April 2011.

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 ON OR AFTER 1 JANUARY 2006 SPECIFYING THE ADMINISTERING EEA STATE FOR AIRCRAFT OPERATORS

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
36867	CLASSIC JET HERITAGE	UNITED KINGDOM
36515	CONTRAIL AVIATION	UNITED STATES
f11336	CORPORATE WINGS LLC	UNITED STATES
32909	CRESAIR INC	UNITED STATES
985	EAT	BELGIUM
32432	EGYPTAIR CARGO	EGYPT
36012	ENJOY AIR	SWITZERLAND
f11102	FedEx Express Corporate Aviation	UNITED STATES
f11256	Flying Partners CVBA	BELGIUM
13457	Flying Service N.V.	BELGIUM
32486	FAYARD ENTERPRISES	UNITED STATES
24578	GAFI GENERAL AVIAT	SWITZERLAND
32737	GREAT ALLIANCE WORLD	UNITED KINGDOM
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

28087	LAS VEGAS CHARTER	UNITED STATES
32303	MASTER TOP LINHAS	BRAZIL
37066	MERIDIAN (AIRWAYS)	BELGIUM
1084	MIL BELGIUM	BELGIUM
31565	MONTE CARLO AVTN	BELGIUM
26688	NEWELL RUBBERMAID	UNITED STATES
f11805	NUCOR CORP	UNITED STATES
31207	N604FJ LLC	UNITED STATES
f11462	N907WS AVIATION LLC	UNITED STATES
f10341	OfficeMax Inc	UNITED STATES
36214	ORCA AVIATION BVBA	BELGIUM
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
27977	TECHNOMAG	SWITZERLAND
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
f11460	ZG AIRCRAFT LEASING LLC	UNITED STATES

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
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
10165	HEMUS AIR	BULGARIA
25134	INTERNAL MINISTRY UU	RUSSIAN FEDERATION
28505	IRANIAN AIR TRANSPOR	IRAN
31721	JORDAN INT AIR CARGO	JORDAN
27345	KHORIV AVIA	UKRAINE
28246	KOKSHETAU AIRLINE	KAZAKHSTAN
32034	KOMIAVIAVIATRANS 2	RUSSIAN FEDERATION