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**COMMISSION DECISION**

**of 26 September 2011**

**on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council**

**(Text with EEA relevance)**

**(2011/638/EU)**

**(OJ L 252, 28.9.2011, p. 20)**

Corrected by:

► **C1** Corrigendum, OJ L 120, 5.5.2012, p. 16 (2011/638/EU)

**COMMISSION DECISION****of 26 September 2011****on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council****(Text with EEA relevance)**

(2011/638/EU)

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<sup>(1)</sup>, and in particular Article 3e(3)(e) thereof,

Whereas:

- (1) It is necessary to adopt benchmarks to be used to allocate allowances free of charge to aircraft operators in the trading period from 1 January to 31 December 2012, referred to in Article 3c(1) of Directive 2003/87/EC and in the trading period from 1 January 2013 to 31 December 2020, referred to in Article 13(1) in conjunction with Article 3c(2) of that Directive.
- (2) Allocations according to those benchmarks should be fixed until 2020 except where acts adopted pursuant to Article 25a of Directive 2003/87/EC require consequential modifications.
- (3) Following the incorporation into the European Economic Area (EEA) Agreement of 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<sup>(2)</sup> by Decision of the EEA Joint Committee No 6/2011 of 1 April 2011 amending Annex XX (Environment) to the EEA Agreement<sup>(3)</sup>, the benchmarks are to be applied within the EEA.
- (4) It is therefore necessary to base the benchmarks on the EEA-wide number of free allowances fixed by Decision of the EEA Joint Committee No 93/2011 of 20 July 2011 amending Annex XX (Environment) to the EEA Agreement<sup>(4)</sup>.

<sup>(1)</sup> OJ L 275, 25.10.2003, p. 32.

<sup>(2)</sup> OJ L 8, 13.1.2009, p. 3.

<sup>(3)</sup> OJ L 93, 7.4.2011, p. 35.

<sup>(4)</sup> Not yet published in the Official Journal.

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- (5) The benchmarks should be calculated by dividing the EEA-wide numbers of allowances applicable to the trading period from 1 January to 31 December 2012 and those applicable to the trading period from 1 January 2013 to 31 December 2020 by the sum of figures in the tonne-kilometre data included in applications submitted to the Commission in accordance with Article 3e(2) of Directive 2003/87/EC,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Without prejudice to Article 25a of Directive 2003/87/EC, ►C1 the benchmark referred to in Article 3e(3)(e) ◄ to be used to allocate allowances free of charge to aircraft operators pursuant to Article 3e(1) of that Directive for the period from 1 January to 31 December 2012 shall be 0,000679695907431681 allowances per tonne-kilometre.

2. Without prejudice to Article 25a of Directive 2003/87/EC, ►C1 the benchmark referred to in Article 3e(3)(e) ◄ to be used to allocate allowances free of charge to aircraft operators pursuant to Article 3e(1) of that Directive for the period from 1 January 2013 to 31 December 2020 shall be ►C1 0,00513749531377628 allowances per tonne-kilometre, equivalent to 0,000642186914222035 allowances per tonne-kilometre per year ◄.

*Article 2*

Calculations relating to a number of allowances to be allocated in accordance with the benchmarks set out in Article 1 shall be rounded down to the nearest allowance.

*Article 3*

This Decision shall enter into force on the 3rd day following its publication in the *Official Journal of the European Union*.