



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 14 September 2012**

**13344/12**

**AVIATION 128**

**“I/A” ITEM NOTE**

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from: General Secretariat  
to: COREPER/COUNCIL

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No. Cion prop.: 12972/12 AVIATION 119

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Subject: Commission Decision of XXX authorising the French Republic to derogate from Commission Regulation (EU) No 1332/2011 with respect to the use of a new software version of the airborne collision avoidance system (ACAS II) on certain newly-built aircraft  
– Decision not to oppose the adoption

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On 25 July 2012, the Council received the draft Commission Decision of XXX authorising the French Republic to derogate from Commission Regulation (EU) No 1332/2011 with respect to the use of a new software version of the airborne collision avoidance system (ACAS II) on certain newly-built aircraft (doc. 12972/12).

Delegations were asked to submit their comments on this file by 10 September 2012. Delegations have not provided any indication that there is any reason to oppose the draft measures in question on the grounds described in Decision 1999/468, namely that they:

- exceed the implementing powers provided for in the basic instrument;
- are incompatible with the aim or content of the basic instrument; or
- do not respect the principles of subsidiarity or proportionality.

Following the above, COREPER is invited to approve this position and submit the file to Council for the adoption of a Decision not to oppose the measures in question as an "A" item, allowing the Commission to adopt the above Regulation.

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