



**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

Brussels, 14 November 2012

CM 5368/12

**TRANS
PROCED**

COMMUNICATION

WRITTEN PROCEDURE

Contact: gabriella.lodi@consilium.europa.eu; avia-mar@consilium.europa.eu

Tel. +32.2-281.97.50; +32.2-281.99.38

Subject: **WRITTEN PROCEDURE WITH REPLY BY MONDAY,**

19 NOVEMBER 2012 AT 5 P.M. TO FAX NO + 32 2 281 64 11

COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EU) No 748/2012 laying down Implementing Rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

– Decision not to oppose adoption

Following the transmission by the Commission on 26 October 2012 of the above draft **Commission Regulation** adopted in accordance with the procedure referred to in Article 65 (5) of Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency¹, the Council should decide within 20 days (until 16 November 2012) whether it opposes the measures adopted by the Commission.

¹ OJ L 79, 19.3.2008, p. 1.

Due to a technical error, the draft Commission Regulation was only released in the electronic archiving system on 14 November 2012. In order to overcome the difficulties created by the short deadline, the Commission agreed to prolong the deadline foreseen for the Council's response until 21 November.

Given the above, a written procedure will be launched. Delegations are therefore invited to **expressly state** if:

1. you agree that the Council makes use of the written procedure; and
2. you agree with the measures adopted by the Commission as set out in doc. 16204/12.

Please answer by "YES" or "NO" to each of these two questions **in writing**. To the second question, you may also answer "ABSTAIN".

Delegations are reminded that Council Decision 1999/468 dictates the grounds on which the Council can oppose the adoption of the measures, 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
- they do not respect the principles of subsidiarity.

Replies must reach the Council General Secretariat **by Monday, 19 November 2012 at 5 p.m.** (to **fax no +32 2 281 64 11** for the attention of Ms LODI).