



Council of the  
European Union

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AVIATION 159

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	11305/16
No. Cion doc.:	11247/16
Subject:	Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures - Decision not to oppose the adoption (Regulatory procedure with scrutiny)

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1. The Commission has submitted the above draft Commission Regulation to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>1</sup>.
2. The Commission having submitted the draft Regulation on 13 July 2016, the Council may decide until 12 October 2016 to oppose its adoption, in accordance with Article 4(4) of Regulation (EC) No 300/2008<sup>2</sup>. The measures provided for in this draft Regulation are in accordance with the opinion of the relevant Committee.

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<sup>1</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

<sup>2</sup> Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

3. The Aviation Working Party was invited to examine the draft measures and to submit comments by 7 September 2016<sup>3</sup>. Delegations did not provide 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; or
  - are not compatible with the aim or the content of the basic instrument; or
  - do not respect the principles of subsidiarity or proportionality.
4. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm that there are no grounds for opposing the draft measures. This implies that, unless the European Parliament opposes the draft Regulation within three months from its submission, the Commission shall adopt it in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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<sup>3</sup> Doc. 11305/16.