



Brussels, 23 September 2015

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AVIATION 107

**“/A” ITEM NOTE**

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from: General Secretariat of the Council  
to: Permanent Representatives Committee / Council

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No. Cion prop.: 11285/15 AVIATION 80 + ADD 1

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Subject: Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 965/2012 as regards requirements for flight recorders, underwater locating devices and aircraft tracking systems  
– Decision not to oppose adoption

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1. The Commission 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 presented the draft Regulation on 27 July 2015, the Council may decide until 27 October 2015 to oppose its adoption, in accordance with Article 8(5) of Regulation (EC) No 216/2008<sup>2</sup>. The measures provided for in this draft Regulation are in accordance with the opinion of the Committee for the application of common safety rules in the field of civil aviation.

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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 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

3. The Aviation Working Party was invited examine the draft measure and to submit comments by 18 September 2015<sup>3</sup>. Delegations did not provide any indication that there is any reason to oppose the draft measure 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 measure. 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. 11327/15 AVIATION 87.