



Brussels, 22 January 2016
(OR. en)

5414/16

AVIATION 5

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 15265/15 AVIATION 165 + ADD 1

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 1332/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (Text with EEA relevance)
- Decision not to oppose the adoption (regulatory procedure with scrutiny)

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/EC¹.
2. The Commission having presented the draft Regulation on 11 December 2015, the Council may decide until 11 March 2016 to oppose its adoption, in accordance with Articles 8(5) and 9(4) of Regulation (EC) No 216/2008². The measures provided for in this draft Regulation are in accordance with the opinion of the relevant Committee.

¹ 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).
² 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 measures and to submit comments by 19 January 2016³. 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.
-

³ Doc. 15266/15 AVIATION 166.