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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

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Subject: COMMISSION REGULATION (EU) No .../. of XXX amending Regulation (EU) No 965/2012, as regards technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members, and as regards equipping newly manufactured turbine-powered aeroplanes with a maximum certified take-off mass of 5 700 kg or less and approved to carry six to nine passengers with a terrain awareness warning system

- Decision not to oppose the adoption

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/EC¹.

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. The Commission having submitted the draft Regulation on 23 March 2018, the Council may decide until 23 June 2018 to oppose its adoption, in accordance with Articles 7(6), 8(5) and 10(5) of Regulation (EC) No 216/2008². The measures provided for in this draft Regulation are in accordance with the opinion of the relevant Committee.
3. During an informal consultation, the Working Party on Aviation was invited to examine the draft measures and to submit comments by 27 April 2018³. 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.

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 Doc. 7571/18.