



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 October 2009**

**13664/09**

**AVIATION 146**

**"I/A" ITEM NOTE**

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From: Council Secretariat  
To: COREPER/Council  
No. Cion prop.: 12484/09 AVIATION 113  
Subject: Draft Commission Regulation (EC) No .../. of [...] setting 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 adoption

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Regulation 300/2008<sup>1</sup> provides for general measures designed to amend non-essential elements of the common basic standards on civil aviation security laid down in the Annex to that Regulation by supplementing them.

On 28 July the Council received a draft of such measures from the Commission for scrutiny by the Council, in accordance with Article 5a of Decision 1999/468. The draft measures concern the criteria under which Member States are permitted to derogate from the common basic standards on civil aviation security set out in Regulation 300/2008.

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<sup>1</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.

The Aviation working party was asked to submit any comments on this file by 24 September. Delegations have not provided 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;
- that they are incompatible with the aim or content of the basic instrument; or
- that they do not respect the principles of subsidiarity or proportionality.

Coreper is therefore invited to approve this position and submit the file to Council for adoption of a Decision not to oppose the measures in question as an “A” item allowing the Commission to adopt the above Regulation.

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