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COMMISSION REGULATION (EU) No 1254/2009

of 18 December 2009

setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures

(Text with EEA relevance)

(OJ L 338, 19.12.2009, p. 17)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EU) 2016/2096 of 30 November 2016	L 326	7	1.12.2016

▼ B**COMMISSION REGULATION (EU) No 1254/2009****of 18 December 2009****setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures****(Text with EEA relevance)***Article 1***▼ M1**

Member States may derogate from the common basic standards referred to in Article 4(1) of Regulation (EC) No 300/2008 and adopt alternative security measures that provide an adequate level of protection on the basis of a risk assessment approved by the appropriate authority at airports or demarcated areas of airports where traffic is limited to one or more of the following categories:

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1. aircraft with a maximum take-off weight of less than 15 000 kilograms;
2. helicopters;

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3. state, military and law enforcement flights;

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4. fire suppression flights;
5. flights for medical services, emergency or rescue services;
6. research and development flights;
7. flights for aerial work;
8. humanitarian aid flights;
9. flights operated by air carriers, aircraft manufacturers or maintenance companies, transporting neither passengers and baggage, nor cargo and mail;

▼ M1

10. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, owned by a company for the carriage of own staff and non-fare-paying passengers and goods as an aid to the conduct of company business;
11. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, chartered or leased in its entirety by a company from an aircraft operator with which it has a written agreement for the carriage of own staff and non-fare-paying passengers and goods as an aid to the conduct of company business;
12. flights with aircraft with a maximum take-off weight of less than 45 500 kilograms, for the carriage of the owner of the aircraft and of non-fare-paying passengers and goods.

▼ M1

For flights covered under points 10, 11 and 12, but with a maximum take-off weight of 45 500 kilograms or more, the appropriate authority may in exceptional cases, and based on a risk assessment for each individual case, derogate from the weight limitation laid down in these categories. Member States receiving such flights with 45 500 kilograms or more may require prior notification, which may include a copy of the risk assessment carried out, or their prior approval. The requirement for prior notification or approval shall be submitted in writing to all other Member States.

▼ B*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but no later than 29 April 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.