

On the basis of Articles 239 and 265 of the Air Transport Law (“Official Gazette”, Nos 73/10, 57/11, 93/12, 45/15 and 66/15 – other law),

Director of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

**REGULATION**  
**on criteria to derogate from the common basic standards on civil aviation security**

**Subject Matter**

**Article 1**

This Regulation lays down criteria to derogate from the common basic standards on civil aviation security and to adopt the alternative security measures that shall be applied in the Republic of Serbia, and which shall provide the adequate level of protection in civil aviation on the basis of a risk assessment.

**Definitions**

**Article 2**

Certain expressions used in this Regulation shall have the following meaning:

1) “*common basic security standards*” mean security standards for safeguarding civil aviation against acts of unlawful interference that jeopardize the security of civil aviation, as laid down in Regulation (EC) No 300/2008;

2) “*demarcated area*” means an area that is separated by means of access control either from security restricted areas, or, if the demarcated area itself is a security restricted area, from other security restricted areas of an airport;

3) “*Regulation (EC) No 300/2008*” means Regulation of the European Parliament and of the Council (EC) No 300/2008 of 11 March 2008 on common civil aviation security rules and on repealing of Regulation (EC) No 2320/2002. This Regulation is applied in the Republic of Serbia through Regulation on common civil aviation security rules (“Official Gazette RS”, No 2/11).

Term “Member State” used in the Appendix to this Regulation, shall be interpreted pursuant to Article 3 of Annex II of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (in accordance with UN Security Council resolution 1244 of 10 June 1999) on the establishment of a European Common Aviation Area.

**Transposition**

**Article 3**

Criteria referred to in Article 1 of this Regulation are provided in the Appendix that is printed with this Regulation forming an integral part thereof, and that transposes in national legislation 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, amended by Commission Regulation (EU) No 2016/2096 of 30 November 2016.

## **Repealing**

### **Article 4**

On the day of entry into force of this Regulation, Regulation on derogation from the common basic civil aviation security standards shall be repealed (“Official Gazette RS”, No 19/11).

## **Entry into Force**

### **Article 5**

This Regulation shall enter into force on the eighth day of its publication in “the Official Gazette of the Republic of Serbia”.

No 5/1-01-0021/2018-0001

In Belgrade, 11 September 2018

Director

Mirjana Cizmarov

**Commission Regulation (EU) No 1254/2009  
of 18 December  
setting criteria to allow Member States to derogate from the common basic standards  
on civil aviation security and to adopt  
alternative security measures**

**Article 1**

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 local risk assessment at airports or demarcated areas of airports where traffic is limited to one or more of the following categories:

- 1) aircraft with maximum take-off weight of less than 15000 kilograms;
- 2) helicopters;
- 3) state, military and law enforcement flights;
- 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;
- 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.

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.

**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.