



Isle of Man
CIVIL AVIATION ADMINISTRATION

**COMMISSION IMPLEMENTING
REGULATION (EU) 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**

(as amended and as applied to the Isle of Man)

Version	Date	Details
1	March 2019	Initial Issue

Foreword

1. This document has been prepared to provide stakeholders with an easy reference working copy of EC 1254/2009 'as amended' and 'as applied to the Isle of Man'. It is edited by the Isle of Man Civil Aviation Administration. However, Courts of Law will refer only to the source regulatory material.
2. The document content is compiled from the following regulations:
 - (a) Isle of Man Statutory Document No 2017/0230 – The Civil Aviation (Aviation Security) (Application) Order 2017 as amended by the Civil Aviation (Aviation Security) (Application) (Amendment) Order 2019 (SD 2019/0072).
 - (b) COMMISSION IMPLEMENTING REGULATION (EU) 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.
 - (c) COMMISSION IMPLEMENTING REGULATION (EU) 2016/2096 of 30 November 2016 amending Regulation (EU) 1254/2009 as regards certain criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures.
3. This document should be read in conjunction with the Single Consolidated Direction (Aviation - Isle of Man) Order 1/2019¹ which sets out further provisions applied to the Isle of Man, and of restricted distribution.
4. As provided for in the 2017 Order references to "Member State" shall be taken as including the Isle of Man and the Island shall be treated for this purpose as a Member State separate from the UK'.

¹ 'Restricted' document with limited circulation

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 approved by the appropriate authority at airports or demarcated areas of airports where traffic is limited to one or more of the following categories:

1. aircraft with a maximum take-off weight of less than 15 000 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 or 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 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.