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(Note: military aircraft carrying out transport operations for the purposes of Armed Forces and Police are excluded from this application.) In case of transit only, including over-flights, an authorization from the prefect (Prefect) of the district containing the entry point is required. The subject matter of Section D, Chapter 9 of Annex 9 of Amendment 28 concerns an area for which the Union has exclusive competence by virtue of the European Union (TFEU), as it is liable to affect common rules on PNR and data protection. Standard 9.29 precludes States from requiring airlines to collect PNR data that are not required as part of their normal business operating procedures, or to filter such data prior to transmission. If the act pursues two aims or has two components and if one of those aims or has two components and if one of those aims or components are components and if one of those aims or components are components are components. required by the main or predominant aim or component. Following masking, re-personalisation should only be possible when the data is to be used in connection with an ongoing case, threat or risk related to the purposes for which PNR data can be processed. Therefore, no disapproval should be notified by the EU Member States under Article 90 of the Chicago Convention, in particular since such a notification would also undermine the efforts to establish higher standards for the protection of PNR data worldwide if compared to the current ICAO rules of PNR. Article 3 This Decision is addressed to the Member States. The Amendment became effective on 30 October 2020, unless a majority of States register their disapproval by that date in accordance with Article 90 of the Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention on International Civil Aviation (the 'Chicago Convention') The Chicago Convention (the 'Chicago Convention') The Chicag Civil Aviation Organization ICAO is a specialised agency of the United Nations. At the same time, processing of PNR data constitutes an interference with the rights to privacy and protection of personal data as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the EU ('Charter'). The Secretariat proposal was practically identical to the outcome of the Facilitation Panel meeting in January 2020. For further information feel free to write to merci.pericolose, postal address Viale Castro Pretorio, 118 00185 Roma - Italia, PEC protocollo@pec.enac.gov.it. On 25 March 2020, the Council of the EU endorsed a further Union position on the reply to the ICAO State letter 2020 14E through which Contracting States were consulted on the draft SARPs. The position welcomed the work undertaken by ICAO to develop the SARPs, and highlighted the importance of the protection of fundamental rights, including the protection of personal data, in the processing of PNR. The 40th Session of the ICAO Assembly took place on 24 September-4 October 2019 in Montreal, Canada. It also urges ICAO 'to work with its Member States to establish a standard for the collection, use, processing and protection of PNR data'. Procedures to be followed when dispatching / transporting weapons, ammunition and explosives (ICAO 9284-AN / 905 State Variation IT5 or IATA DGR ITG05) With the publication by the ICAO of the Addendum Corrigendum No. 1 to Doc. One such objective of general interest is the protection of citizens from serious security threats. (2)The Member States of the Union are contracting States to the Chicago Convention and members of ICAO, whereas the Union has observer status in certain ICAO bodies, including in the Assembly and other technical bodies. It also prohibits the processing of sensitive data - that is, PNR data revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning their health, sexual life or sexual orientation - except in exceptional and immediate circumstances to protect the vital interests of the data should be, as a rule, transmitted through the less privacy-intrusive push method. (6)The SARPs on PNR are set out in Section D of Chapter 9 of Annex 9 to the Chicago Convention. In addition, a transportation notice to the chief of district police department (Questore) shall be sent. In the Commission's view, the SARPs allow significant progress to be achieved at international level in relation to the protection and use of PNR data for the prevention, detection investigation and prosecution of terrorist offences and serious crime. 2.4. The PNR-aspects of Amendment 28 to Annex 9 If effective, Amendment 28 to Annex 9 If effective, Amendment 28 will replace existing Standards 9.22-9.22.1 and Recommended Practice 9.23 with new SARPs 9.23-9.38. On 27 April 2016, the European Parliament and the Council adopted the Directive (EU) 2016/681 on the use of PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Those requirements are more exacting than what is required under the PNR SARPs contained in Amendment 28. 635 and amendments thereto in force). On 26 July 2017, the Court of Justice of the European Union delivered its Opinion 1/15 on the envisaged international agreement on the transfer and processing of PNR data between the Union and Canada (2014). (14)The PNR-related aspects of Section D of Chapter 9 of Annex 9 to the Chicago Convention, as revised by Amendment 28, concern an area for which the Union has exclusive competence pursuant to Article 3(2) of the Treaty on the Functioning of the European Union, as it may affect common rules on protection and processing of PNR data. 4.1.2. Application to the present case ICAO is a body set up by an international agreement, namely the Chicago Convention. n.9284/AN 905. Passengers and persons not titled to apply for ENAC Exemptions or Approvals requiring information on the transport of Dangerous Goods by air are invited to contact the airline concerned. File size = 424 KB ICAO Annex 18 - Safe Transport of Dangerous Goods by air EUROPEAN COMMISSION Brussels, 12.1.2021 COM(2021) 16 final 2021/0007(NLE) Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the International Civil Aviation Organization as regards Amendment 28 to Annex 9 Section D to the Convention on International Civil Aviation EXPLANATORY MEMORANDUM 1. Subject matter of the proposal This proposal This proposal Concerns the decision establishing the position to be taken on behalf of the European Union in the International Civil Aviation Organization (ICAO) in connection with Amendment 28 to Annex 9 on Facilitation to the Convention'). Therefore, it submitted a drafting proposal aimed at amending (then draft) Standard 9.34. However, the ICAO Member States can notify, by 30 January 2020, any differences between their national regulations and practices and those enshrined in the Standards laid down by Amendment 28 if they consider that certain differences exists between their domestic regulations or practices and any of the Standards. 4.1.Principles Article 218(9) TFEU provides for decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.' Article 218(9) TFEU applies regardless of whether the Union is a member of the body or a party to the agreement. Such endorsement was followed by a formal consultation of the ICAO Member States by way of ICAO State letter 2020 14E. The concept of 'acts having legal effects' includes acts that have legal effects by virtue of the rules of international law governing the body in question. For the carriage of goods for which Doc. 4.3. Conclusion The legal basis of the proposed decision should be Article 87(2)(a) TFEU, in conjunction with Article 218(9) TFEU. Directive (EU) 2016/681 includes, in particular, a comprehensive set of rules to safeguard the fundamental rights to privacy and the protection of personal data in the context of the transfer of PNR data by air carriers to the Member States and the processing of such data for the purpose of preventing, detecting, investigating and prosecuting terrorist offences and serious crime. (16)The SARPs contained in Amendment 28 largely follow the lines of the Union position enshrined in Council Decision (EU) 2019/2107 and lay down ambitious safeguards on data protection, notably on data subject rights, oversight by an independent authority, sensitive data, automated processing of PNR data and non-discrimination, purposes for which PNR data and non-discrimination and purposes for which PNR data and purpose for which PNR data law enforcement authorities and completes the regime of Directive (EU) 2016/681 on aspects such as data subject rights and case-by-case transfers of data to law enforcement authorities in third countries. The list of prefect offices within Italian territory is available on website www.prefettura.it. (3)Pursuant to point (1) of Article 54 of the Chicago Convention, the ICAO Council is to adopt international standards and recommended practices (SARPs). Such notification must be submitted in accordance with Article 38 of the Chicago Convention and the applicable mechanism for the filing of differences. More generally, an increasing number of third countries are collecting PNR data from air carriers and several of them have approached the Commission over the past few years to express their interest in concluding an international agreement on PNR with the EU. The ICAO Assembly meets at least once every three years and establishes the Organization's political direction for the upcoming triennium. 2.5. The applicable EU legal framework The processing of PNR data constitutes an essential instrument in the EU's common response to terrorism and serious crime and a building block of the Security Union. (4)The United Nations (UN) Security Council decided in its Resolution 2396 (2017) of 21 December 2017 ('UNSCR 2396 (2017)') that the UN Member States are to develop the capability to collect, process and analyse, in furtherance of the ICAO SARPs, passenger name record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offences and related travel. For this reason, the Commission considers that Member States should notify a difference, pursuant to Article 38 of the Prefect (Prefetto) of the involved district. Import from and/or transportation to other EU Member State of fireworks items are ruled by decree D.Lgs 23/07/2015 n. (23)In accordance with Articles 1 and 2 of Protocol No 22 on the position of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. For information about the implementation of Article 816 of Italian Navigation Code, concerning embarkation of weapons, ammunition and toxic gases, contact relevant ENAC Airport Department. The review of the first two years of application of the Directive carried out in 2020 showed that the processing of PNR data had delivered tangible results in the fight against terrorism and serious crime. 9284-AN / 90 () the text of the State Variation IT5 has been modified, contained in Attachment 3, Chapter 1, Table A-1 of the above mentioned document, which comes into force on 22.6.2017, which can be found at the link /it/Servizi/informazioni-areonautiche.html. Identifying and tracing suspicious travel patterns by processing PNR to gather evidence and, where relevant, find associates of criminals and unravel criminal networks has proven essential to prevent, detect, investigate and prosecute terrorist and serious crime offences. (13)In addition, two international agreements on the processing and transfer of PNR data are currently in force between the Union and third countries, namely Australia and the United States. Permit requests for flights with dangerous goods on board must be forwarded to the boxes scheduled.permits@enac.gov.it; charter.permits@enac.gov.it , overflights@enac.gov.it , overflights@enac.gov.it in addition to the box merci.pericolose@enac.gov.it in addition to the box merci.pericolose.gov.it in addition to the Annex 9. In the event such data are transmitted, States are required to delete them as soon as practicable. For the Carriage of dangerous goods subject to Exceptions established by ICAO and ENAC, approval of the Authority of the Operator State is required. PNR data are personal data of passengers collected by airlines for their business purposes. unlike other travel-related data collected by them on behalf of the authorities such as Advance Passenger Information (API). With regard to an act that simultaneously pursues a number of objectives, or that has several components, which are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(9) TFEU will have to include, exceptionally, the various corresponding legal bases. On 26 July 2017, the Court of Justice of the European Union issued an Opinion (henceforth Opinion 1/15) on the envisaged Agreement on the transfer and processing of PNR data between the EU and Canada, signed on 25 June 2014. On 23 June 2020, during the Tenth Meeting of its 220th Session, the ICAO Council adopted Amendment 28 to Annex 9 to the Chicago Convention. Recommended Practice 9.33 proposes that PNR data should be de-personalised within six months and no later than two years from the moment it is transferred by airlines. This position reflects the requirements of the EU legal framework on PNR and data protection, notably under Directive (EU) 2016/681, Regulation (EU) 2016/681, Reg transportation of explosives inside Italian territory rules contained in TUPLS and in its implementing regulation apply. It also seeks to minimise burdens on air carriers by limiting the ability of States to impose fines for transmission errors in certain circumstances and by requiring them to limit the number of push times. Standard 9.34(a) requires contracting States not to inhibit or prevent the transfer of PNR data to another contracting State that complies with the sARPs. Although, according to Standard 9.34(a) requires contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contracting States not to inhibit or prevent the transfer of PNR data to another contr contracting States retain the ability to maintain or introduce higher levels of protection in accordance with their domestic legal and administrative framework, and to enter into additional arrangements with other contracting States in order to establish more detailed provisions relating to the transfer of PNR data, the current language of the Standard 9.34 is, from the perspective of the European Union and its Member States, not sufficiently clear in legal terms to ensure that the Member States should formally notify a difference within the meaning of Article 38 of the Chicago Convention. Its objective was to reinforce the text of this Standard in order to ensure that the ability of Contracting States to establish stricter requirements for PNR data transfers is clearly reflected in the SARPs. It is to be noted that in the revision process following the State consultation, the ICAO Secretariat did not take into account the drafting suggestions submitted by the EU Member States, and retained the draft text resulting from the Facilitation Panel at its meeting of January 2020. There are currently two international agreements in place between the EU and third countries (namely Australia and the United States) on the processing and transfer of PNR data. Standard 9.23 requires the contracting States to develop the capability to collect, use, process and protect PNR and to translate the rules for the practical implementation of this capability in the appropriate internal legal and administrative framework in consistency with the SARPs. The mandatory character of the development of PNR-processing capabilities is in line with United Nations Security Council Resolution 2396 (2017). 9284/AN 905, in accordance with ENAC Regulation "Regolamento ENAC Trasporto Aereo Merci Pericolose", provided that a satisfactory level of safety is granted by the applicant and that the necessity of air transport is declared. (12)The Union has also adopted legislation on personal data protection, notably Regulation (EU) 2016/680 of the European Parliament and of the Council, applicable to the processing of PNR data respectively by air carriers and other private operators and authorities competent for the prevention of criminal offences and the execution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Further to the adoption of negotiating directives by the Council in December 2017, the Commission begun new PNR negotiations with Canada in June 2018. 773 and amendments thereto in force) and by its implementing regulation (Royal Decree 6/5/1940 n. The ICAO Council is a permanent body of ICAO with a membership of 36 Contracting States elected by the ICAO Assembly for a three-year term. Article 2 The position referred to in Article 1 shall be expressed by the Member States. (9)In accordance with Article 38 of the Chicago Convention, any Contracting State which finds it impracticable to comply in all respects with such international standards or procedures, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practice and that established by the international standard. Also in April 2016, the European Parliament and the Council adopted new EU data protection rules: Regulation or GDPR) and Directive (EU) 2016/680 (on data protection in the law enforcement sector). Standard 9.27 requires contracting States to base the automated processing of PNR data on objective, precise and reliable criteria that effectively indicate the existence of a risk, without leading to unlawful differentiation, and refrain from making decisions that produce significant adverse actions affecting the individuals' legal interest based solely on the automated processing of PNR data. The legal effects of the standards and of any differences to be notified fall in an area covered by Union rules, notably Directive (EU) 2016/681 as well as the existing and future international agreements on PNR between the EU and third countries. Law enforcement authority entitled to issue authorizations for import/export, and for receiving of transportation notifications in other circumstances, is the chief of district police department (Questore). 2.3. The process for updating ICAO Standards and Recommended Practices (SARPs) is rooted in United Nations Security Council Resolution 2396 (2017), adopted on 21 December 2017. The Resolution requires UN Member States to 'develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, passenger name record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms'. Under EU law, transfers by airlines of PNR data processed in the EU to a law enforcement authority in a third country must, in particular in the Court's Opinion 1/15. The Court found that the agreement could not be concluded in its intended form because some of its provisions were incompatible with the fundamental rights to privacy and to personal data protection protected by the Charter. The ENAC Regulation on "Dangerous Goods Air Transport", published on October 31, 2011, transposes the Annex 18, entirely bound to the Technical Instruction (TI) annexed to ICAO Doc. In addition, the disclosure of PNR data within the receiving State or in others should be limited to authorities competent that exercise relevant functions related to the purposes for which PNR data are processed. Instead, the ICAO Secretariat proposed that 'States that have made proposals to amend the provision should be invited to submit their proposal(s) to amend the text in Paragraph 9.34 to the next meeting of the Facilitation Panel (FALP/12), planned for July 2021'. These SARPs are significantly more detailed than the existing framework, covering among others aspects related to purpose limitation, oversight, data retention, the processing of sensitive data and the relationship between the Contracting States to the Chicago Convention concerning PNR data transfers. (22)Ireland is bound by Directive (EU) 2016/681 and is therefore taking part in the adoption of this Decision. INF07 AIMS-16 Download ICAO annex 18, Safe transport of dangerous goods by air in pdf format here. (17)Therefore, given that Amendment 28 would allow significant progress to be achieved at international level on the States under Article 90 of the Chicago Convention. The International Civil Aviation Organization (ICAO) has issued the Annex 18 "The Safe Transport of Dangerous Goods by Air", which sets international standards and recommended practices for the Safe transport of dangerous goods by air. (7)On 23 June 2020, the ICAO Council adopted Amendment 28 to Annex 9 of the Chicago Convention setting out, in its Section D, a new set of SARPs for its contracting States to develop a capability to collect, use, process and protect PNR data for flights to and from its territory, supported by appropriate legal and administrative framework. 4.2.2. Application to the present case Amendment 28 to Annex 9 to the Chicago Convention pursues objectives and has components in the areas of data protection and police cooperation. It also includes instruments that do not have a binding effect under international law, but that are 'capable of decisively influencing the content of the legislature'. The objectives of the Organization are to development of international air navigation and to foster the planning and development of international air navigation and to foster the planning and development of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation and to foster the planning and development of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles and techniques of international air navigation are to develop the principles are transport. The Union's position in the matter is therefore to be established in accordance with Article 218(9) TFEU. Standards are specifications for which a uniform application is considered necessary, whereas Recommended Practices are not mandatory. As noted above, Annex 9 lays down international standards on Facilitation and its Chapter 9, Section D relates specifically to PNR. The notification of differences does not entail that the institutional framework of the Chicago agreement be supplemented or amended. Standard 9.25 establishes requirements concerning data security and the rights of individuals in relation to the processing of their PNR data, including as regards nondiscrimination, the provision of information, administrative and judicial redress, access to data and the possibility to request corrections, deletions or notations. Among others, the GDPR lays down rules on international transfers of personal data that are applicable to the transmission of PNR data by air carriers. The work of the Task Force concluded in December 2019 and was reviewed by the ICAO Facilitation Panel in January 2020. At the same time, further to the implementation of Directive (EU) 2016/681, EU Member States are requesting air carriers from third countries to transfer PNR data to their Passenger Information Units. This position reflects the requirements of Union law on personal data protection and PNR data transfers to third countries, notably under Regulation (EU) 2016/679. Directive (EU) 2016/680 and Directive (EU) 2016/681, as well as those resulting from the Charter of Fundamental Rights of the European Union as interpreted by the Court of Justice of the European Union, in particular in Opinion 1/15. 2021/0007 (NLE) Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the International Civil Aviation THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof, Having regard to the proposal from the European Commission, Whereas: (1)The Convention on International Civil Aviation (the 'Chicago Convention'), which regulates international air transport, entered into force on 4 April 1947. (8) In accordance with Article 90 of the Chicago Convention, unless a majority of the contracting States register their disapprovals. (10) Amendment 28 was notified to the ICAO contracting States by way of State letter EC 6/3-20/71. This Directive enables national authorities to require air carriers to transfer PNR data, while providing safeguards for individuals' rights to privacy and data protection. All EU Member States are Parties to the Chicago Convention. As such, they lay down ambitious safeguards on data protection, notably on data subject rights, oversight by an independent authority, sensitive data, automated processing of PNR data and non-discrimination, purposes for which PNR data may be processed, and the retention, use, disclosure and further transfer of PNR data, automated processed, and the retention, use, disclosure and further transfer of PNR data may be processed. Recommended Practice 26 encourages States to notify individuals about the processing of their PNR data and the rights and means of redress afforded to them. The deadline for the Member States to transpose the legislation into national law was 25 May 2018. Done at Brussels, On 23 June 2020, during the ICAO Council meeting where Amendment 28 was adopted, the EU Member States stressed again the importance of striking the necessary balance between data availability and data protection and referred to the above-mentioned Union positions as submitted during the State consultation process. Civil use explosives Air transport of explosives is allowed within the limitations of ENAC Regulation "Regolamento dell'ENAC per il Trasporto Aereo delle Merci Pericolose", for the transposition of ICAO Annex 18 to Chicago Convention of 7 December 1944 and ICAO Doc. (24)The Union's position should be expressed by the Member States, HAS ADOPTED THIS DECISION: Article 1 The position to be taken on the Union's behalf in reply to State Letter EC 6/3-20/71, issued by the International Civil Aviation Organization (ICAO) on 17 July 2020, is set out in the Annex to this Decision. Such purposes should be no wider than necessary, including, in particular, border security purposes to fight terrorism and serious crime. Where contracting States determine that they must impede PNR data transfers or fine an air carrier, Standard 9.36 requires them to do so in a transparent manner and with the intent of resolving the situation. A number of third countries have refused such transfers - and others have threatened to do so - as a retaliatory measure due to the impossibility of receiving PNR data from the EU, therefore compromising the effectiveness of the EU PNR mechanism. Firearms and ammunition other than war weapons Import and export of firearms is ruled by Reg.(UE) 258/2012, by Testo Unico delle Leggi di Pubblica Sicurezza - TULPS (Royal Decree 18/6/1931 n. The ICAO Council adopted this Amendment on 23 June 2020. These authorities should also ensure comparable protections as those afforded by the disclosing authority. In particular, the Court interpreted the relevant Charter provisions as requiring specific safeguards with regard to oversight by an independent authority, processing of sensitive data, automated processing of PNR data and non-discrimination, purposes for which PNR data may be processed, and the retention, use, disclosure and further transfer of PNR data. Mandatory functions of the ICAO Council, listed in Article 54 of the Chicago Convention, include the adoption of international Standards and Recommended Practices (also known as SARPs), designated as Annexes to the Chicago Convention. Import from and/or transportation to other EU Member State of explosives for industrial use other than fireworks items are ruled by decree D.Lgs 81/2016. 6.4 ENAC activity Upon request, ENAC issues exemptions and authorizations when required by ICAO Annex 18 to Chicago Convention of 7 December 1944 and by ICAO Doc. 3.2. Proposed position The present proposal for a Council Decision is necessary to adopt, within the timeframe set by the ICAO State letter EC 6/3-20/71, the position to be taken on the Union's behalf with regard to the ICAO Council adoption of the new PNR SARPs. The new PNR SARPs set out in Amendment 28 (Section D, Chapter 9 of Annex 9) largely follow the lines of the Union position enshrined in Council Decision (EU) 2019/2107. Therefore, the substantive legal basis of the proposed decision comprises the following provisions: Article 87(2)(a) TFEU. (15)Accordingly, the Union position on this matter, for the purposes of the elaboration of what became Amendment 28, was taken in accordance with Council Decision (EU) 2019/2107. On 17 July 2020, ICAO informed its Member State of the adoption of Amendment 28 through another State letter (EC 6/3-20/71). The position was relevant to the discussions taking place in the ICAO preparatory bodies as well as to the final vote in the ICAO Council. (18)However, the requirements resulting from Union law in respect of the transfer and processing of PNR data are more exacting than the SARPs contained in Amendment 28. If the Operator is a holder of a license issued by the Aviation Authority of an EU Member State, such approval is issued in accordance with SPA.DG section of EU Regulation 965/2012. 9284-AN / 95 and TI ICAO provide for the granting of Exemption or Approval by the Italian State, the subjects (Entities) entitled to apply (Operational Carrier - Shippers) may refer, For information, at merci.pericolose@enac.gov.it Air carriers requiring traffic rights authorization for flights scheduled, non scheduled and overflights subject to an Exemption / Approval for DGr will get such a permission after obtaining approval for the carriage of DGR by the competent Enac Department. In accordance with Article 52(1) of the Charter, it shall therefore be provided for by law, respect the essence of the rights concerned and, subject to the principle of proportionality, be allowed only insofar as it is necessary and genuinely meet an objective of general interest of the Union or the need to protect the rights and freedoms of others. Certain of those legal effects depend however on the notification, in Standard 9.34(b), that the contracting States - such as the EU Member States - may retain the ability to maintain or introduce higher levels of protection in accordance with their domestic legal and administrative framework, and to enter into additional arrangements with other States in order to establish more detailed provisions relating to the transfer of PNR data. For the period 2019-2022, there are seven EU Member States represented in the ICAO Council. 4.2. Substantive legal basis 4.2.1. Principles The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the act in respect of which a position is taken on the Union's behalf. Below is the part of the text on the subject, for prompt reference. Therefore, the adoption of a Union position in respect of such notification falls within the scope of Article 218(9) TFEU. Under Standard 9.35, contracting States may be called to demonstrate their compliance with the new Standards upon request from another State. The EU approach to PNR data transfers to third countries dates back to 2010 and predates the adoption of Directive (EU) 2016/681, the reform of the EU data protection framework and Opinion 1/15 of the Court of Justice. Amendment 28 relates to the rules for processing of Passenger Name Record (PNR) data, which are addressed in Section D, Chapter 9 of Annex 9 to the Chicago Convention contains standards that are, in principle, binding upon ICAO members, among which the Member States of the Union and thus constitutes an act having legal effects. Following the State consultation, the ICAO Secretariat analysed the responses received from States and presented a proposal to the ATC. Recommended Practice 9.37 encourages States to notify others maintaining air travel with them of any significant changes in their PNR programme, including as regards compliance with the SARPs. Recommended Practice 9.38 suggests that air carriers are not penalised by States while they attempt to resolve disputes regarding PNR data transfers. Such difference, described in the Annex to the present Proposal for Council Decision, should remain strictly limited to what is necessary to avoid any doubt as to the prerogative for the EU Member States to impose more exacting requirements are not fulfilled. (11)The Union has adopted common rules on PNR data in Directive (EU) 2016/681 of the European Parliament and of the Council, the scope of which overlaps significantly with the area covered by the SARPs contained in Amendment 28. They also underlined the importance of ensuring high data protection levels and explicitly referred to the obligations stemming from the EU's legal framework. This entails that, in accordance with Article 3(2) TFEU, the Union has exclusive competence in this matter. n. In the absence of a legal basis allowing for data transfers, air carriers are confronted with a situation of conflict of laws and risk fines and other sanctions. Such difference should be limited to Standard 9.34 in Section D of Chapter 9 of Annex 9 thereto, as revised by Amendment 28. War weaponry Control of export, import and transit of war arms is subject to the Law of 9/7/1990, No. 185 and its amendments in force, and to Ministries of Foreign Affairs and Defense Decree of 7/1/2013, No. 19 ("Implementation of Law 185/90 and subsequent amendments."). Standard 9.30 lays down obligations concerning data retention and the de-personalisation of PNR data, requiring States to only retain the data for a set period as defined in their legal and administrative framework which shall be that period necessary and proportionate for the purposes for which the PNR data is used, and mask it after an established timeframe. At the same time, Standard 9.34(b) provides that ICAO contracting States shall retain the ability to introduce or maintain higher levels of protection of PNR data, in accordance with their internal legal requirements, or establish more detailed provisions relating to PNR data processing and transfer provided that those measures do not otherwise conflict with the Standards. Similarly, as its meeting of 19 June 2019, the ATC recommended the ICAO Council to adopt the PNR SARPs as presented by the Secretariat with only minor corrections. Fireworks items comprised within category 5, group E of annex A to TULPS implementing regulation may be carried without license. It entered into force on 4 April 1947 and established the International Civil Aviation Organization, or ICAO. In case of mere transit through national territory, including overlights only, of war weaponry on board of civil aircraft and classified as forbidden by ICAO from point of view of safety or for which ENAC Regulation "Regolamento ENAC Trasporto Aereo Merci Pericolose" requires a specific exemption will be accepted only in case of substantial interest of an allied and friendly country; in such cases the relevant country shall send a verbal note to Italian Ministry of Foreign Affairs and International Cooperation, stating the existence of such interest and attaching copy of the exemptions issued in accordance with ICAO regulation by the State of operator and of origin and a copy of transport documentation duly filled and signed by the shipper as required by abovesaid ENAC regulation, stating also contacts (email address and telephone) for subsequent requests of technical and operations clarifications by ENAC about the exemption itself. Standard 9.24 requires contracting States, in full compliance with human rights and fundamental freedoms, to clearly identify the PNR data to be used in their operations and set the purposes for which PNR data may be used by the authorities. Some of the non-binding guidance provided in ICAO Document 9944 setting out guidelines on PNR data has been upgraded to the new Standards. 9284-AN / 905, which extends the basic provisions and specifies the requirements for the safe transport of dangerous goods by air. (21)It is therefore appropriate to establish the Union's position accordingly. Under Standard 9.28, States are required to designate one (or more) competent domestic authority(ies) with the power to conduct independent oversight of the protection of PNR data and determine whether PNR data are being collected, used, processed and protected with full respect for human rights and fundamental freedoms. For the duration of administrative proceedings see Enac Regulation "Individuazione dei termini dei procedimenti amministrativi di competenza dell'ENAC"; ENAC will anyway give an answer as soon as possible even if usually not before 10 working days. For transportation within Italian territory of firearms, circulating inside EU custom territory, rules contained in TULPS and in its implementing regulation apply. It established the International Civil Aviation Organization (ICAO). 6 WEAPONS AND AMMUNITIONS Import, export and transit of common weapons, ammunitions and explosives other than those for military use, must be authorized by Police authorities. Law enforcement authorities around the world increasingly use the PNR data transferred to them by airlines to fight terrorism and other forms of serious crime. Accordingly, throughout the discussions within the ICAO preparatory bodies, the approach of the EU Member States and of the Commission (as observer) was guided by the orientations set out in Council Decision (EU) 2019/2107 of 28 November 2019 laying down the Union position. (5)UNSCR 2396 (2017) also urged ICAO to work with its contracting States to establish a standard for the collection, use, processing and protection of PNR data. The notification of such difference has an incidence on the legal effects of the standards adopted by ICAO. The EU Security Union Strategy for the period 2020 to 2025 envisages the review of the approach as a mid-term action. In this context, Standard 9.34(a) requires Contracting States not to inhibit or prevent the transfer of PNR data to another Contracting State that complies with the SARPs, the current language of the Standard 9.34 is, from the perspective of the European Union and its Member States, not sufficiently clear in legal terms in expressing that the EU Member States are not precluded from imposing those requirements notwithstanding Standard 9.34. The proposals of the ICAO Facilitation Panel were endorsed by the ATC on 7 February 2020. These elements are inseparably linked without one being incidental to the other. In particular, the EU Member States emphasised the importance of the SARPs, in particular of Standard 9.34, arguing that it should be interpreted in such a way to allow States to retain the ability to require from other contracting States not only to demonstrate compliance of their legal framework with the SARPs but also the fulfilment of higher data protection standards, notably for enabling PNR data transfers, when so required by their domestic legal frameworks. Those SARPs are complemented by additional guidance, in particular ICAO Document 9944 setting out guidelines on PNR data. The Amendment will be applicable as of 28 February 2021. The drafting of proposals to review the PNR SARPs was entrusted to an expert group, the ICAO PNR Task Force, set up by the ICAO Air Transport Committee (ATC) in March 2019. The ICAO Council also convenes the Assembly, which is ICAO's sovereign body.

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