

This Statutory Instrument has been made partly in consequence of defects in S.I. 2018/1080 and S.I. 2018/1392 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No. 687

EXITING THE EUROPEAN UNION

CIVIL AVIATION

**The Civil Aviation (Amendment etc.) (EU Exit) Regulations
2019**

Sift requirements satisfied 12th March 2019

Made - - - - at 11.00 a.m. on 26th March 2019

Laid before Parliament at 5.00 p.m. on 26th March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Aviation (Amendment etc.) (EU Exit) Regulations 2019.

(2) Subject to paragraph (3), these Regulations come into force on exit day.

(3) This regulation, in so far as it relates to regulations 4 and 5, and regulations 4 and 5 come into force immediately before exit day.

PART 2

Amendment of primary legislation

Amendment of the Airports Act 1986

2. In section 74(2)(d) of the Airports Act 1986(**a**) (restriction on disclosure of information), for “EU obligation” substitute “retained EU obligation”.

Amendment of the Civil Aviation Act 2012

3.—(1) The Civil Aviation Act 2012(**b**) is amended as follows.

(2) In section 72(1) (minor definitions), in the definition of “international obligation of the United Kingdom”, for “an EU obligation” substitute “a retained EU obligation”.

(3) In paragraph 5 of Schedule 6 (restrictions on disclosing information)—

- (a) in sub-paragraph (b), for “an EU obligation” substitute “a retained EU obligation”;
- (b) omit sub-paragraph (c).

PART 3

Amendment of subordinate legislation

Amendment of the Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018

4.—(1) The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018(**c**) are amended as follows.

(2) In regulation 2 (amendment of EU Regulation (EC) 80/2009), for “14” substitute “15”.

(3) In regulation 8, after paragraph (a) insert—

“(aa) in paragraph 3, for “8” substitute “9”;

(4) After regulation 14, insert—

“**15.** After Article 19 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.”.

Amendment of the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018

5.—(1) The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018(**d**) are amended as follows.

(2) For regulation 9 (amendment of Annex XIII to the EEA Agreement) substitute—

“**9.** In paragraph 64a of Annex XIII to the EEA Agreement, omit the words from “The provisions of the Regulation shall” to the end.”.

(3) In paragraph 14 of Schedule 1 (amendment of the Operation of Air Services in the Community Regulations 2009(**e**)), for sub-paragraph (a) substitute—

“(a) for “Community air carrier” substitute “qualifying air carrier”;

(a) 1986 c.31. Section 74(2)(d) was amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(b) 2012 c.19.

(c) S.I. 2018/1080.

(d) S.I. 2018/1392.

(e) S.I. 2009/41, to which there are amendments not relevant to these Regulations.

(4) In paragraph 14(4)(c) of Schedule 2 (amendment of Regulation (EC) No 1008/2008), before sub-paragraph (i) insert—

“(zi) for “Union”, in both places it occurs, substitute “United Kingdom”;

PART 4

Amendment and revocation of retained direct EU legislation

Amendment of Annex XIII to the EEA Agreement

6. In Annex XIII (transport) to the EEA Agreement so far as that Annex forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, omit paragraphs 66a, 66d, 66da, 66e, 66g, 66ga, 66gb, 66gc, 66gd, 66n, 66na, 66nb, 66nc, 66nd, 66ne, 66nf, 66ng, 66nh, 66ni, 66nj, 66nk, 66o, 66p, 66q, 66qa, 66ra, 66rb, 66s, 66sa, 66za, 66zaa and 66zab.

Revocation of Commission Regulation (EC) No 351/2008

7. Commission Regulation (EC) No 351/2008 of 16th April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports is revoked.

Amendment of Commission Regulation (EU) No 1332/2011

8.—(1) Commission Regulation (EU) No 1332/2011 of 16th December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance is amended as follows.

(2) In Article 1 (subject matter and scope)—

(a) in paragraph (a), for “Union”, substitute “United Kingdom”;

(b) in paragraph (b), for “above the territory” to the end, substitute “of the United Kingdom”.

(3) In Article 3 (airborne collision avoidance system (ACAS)), in paragraph 2, for “Member States” substitute “The Civil Aviation Authority”.

(4) After Article 5 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Signed by authority of the Secretary of State for Transport

At 11.00 a.m. on 26th March 2019

Sugg
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. The Regulations make amendments to legislation in the field of civil aviation.

Part 2 amends the Airports Act 1986 (c. 31) and the Civil Aviation Act 2012 (c. 19) to ensure that they continue to operate effectively after exit day. References to an “EU obligation” are replaced with references to a “retained EU obligation”. A definition of “retained EU obligation” was inserted into Schedule 1 to the Interpretation Act 1978 (c. 30) by the 2018 Act. Regulation 3(3)(b)

omits a reference to assisting the European Commission with the exercise of its competition functions, which will cease to be applicable after exit day.

Part 3 amends two previous statutory instruments, both of which were made in consequence of the United Kingdom's exit from the European Union, to correct defects in those instruments and to respond to a change in EU law which has come into force after the making of those instruments.

Regulation 4 amends the Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1080). Those Regulations amend retained EU law, including updating a reference to Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, to Regulation (EU) No 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. However they omitted to correct the corresponding Article number and to omit wording which will be inapplicable after exit day. Regulation 4 addresses those omissions.

Regulation 5 makes amendments to the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1392). Those Regulations make a number of amendments to retained EU law but two errors were subsequently identified in those amendments. This instrument corrects those errors. In addition a change to the retained EU law, made at an EU level, came into force subsequent to the making of the 2018 Regulations. This instrument amends the new provision in the retained EU law to ensure that it operates effectively after exit day.

Part 4 amends retained direct EU legislation. Regulation 6 corrects Annex XIII to the EEA Agreement to remove references to aviation safety legislation which will no longer be required from exit day should the United Kingdom cease to be a part of a common aviation system with the EU. Regulation 7 revokes Commission Regulation (EC) No 351/2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports, as it will not be required after exit day. Regulation 8 makes corrections to Commission Regulation (EU) No 1332/2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been published alongside these Regulations and is available with these Regulations on www.legislation.gov.uk.

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