

**2019 No. 0000**

**EXITING THE EUROPEAN UNION**

**CIVIL AVIATION**

**The Aviation Safety (Amendment etc.) (EU Exit) (No. 2)  
Regulations 2019**

<i>Sift requirements satisfied</i>	2019
<i>Made</i> - - - -	2019
<i>Laid before Parliament</i>	2019
<i>Coming into force in accordance with regulation 1</i>	

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 Aviation Safety (Amendment etc.) (EU Exit) (No. 2) Regulations 2019.

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

(3) Paragraphs (1) and (3) of this regulation, and Part 2 of these Regulations, come into force immediately before exit day.

## PART 2

### Amendment of subordinate legislation

#### **Amendment of the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019**

2. The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019<sup>(a)</sup> are amended in accordance with regulations 3 to 12.

#### **Amendment of Part 3, Chapter 4 (occurrence reporting)**

3. In regulation 66 (amendment of Article 7 of Regulation (EU) No 376/2014), for paragraph (3) substitute—

“(3) In paragraph 4, for “paragraphs 5, 6 and 8” substitute “paragraphs 5 and 6”.”

4. In regulation 72 (amendment of Article 17 of Regulation (EU) No 376/2014), omit paragraph (3)(c)(ii).

#### **Amendment of Part 4, Chapter 4 (aircrew)**

5. In regulation 294 (amendment of Article 4 of Commission Regulation (EU) No 1178/2011), for paragraph (3) substitute—

“(3) In paragraph 7—

- (a) at the start, for “A Member State” substitute “The CAA”;
- (b) in point (a), for “Member State” substitute “CAA”;
- (c) in point (b)—
  - (i) in point (i), for “national territory of the authorising Member State” substitute “United Kingdom”;
  - (ii) in point (ii), for “authorising Member State” substitute “United Kingdom”;
- (d) in point (c), for “Member State” substitute “CAA”;
- (e) omit point (d);
- (f) in point (e), for “Member States” substitute “CAA”.”

#### **Amendment of Part 4, Chapter 5 (air operations)**

6. In regulation 339 (amendment of Article 1 of Commission Regulation (EU) No 965/2012), for “Treaty” substitute “Treaties”.

7. In regulation 344 (amendment of Article 6 of Commission Regulation (EU) No 965/2012), for paragraph (3) substitute—

“(3) In paragraph 3, for the words from “the national law” to “resides” substitute “in any relevant enactment”.”

8. In regulation 346 (amendment of Article 8 of Commission Regulation (EU) No 965/2012)—

(a) for paragraph (2) substitute—

“(2) In paragraph 3, for the words from “national law” to the end substitute “Air Navigation Order 2016”.”

(b) for paragraph (3) substitute—

“(3) In paragraph 4, for the words from “national law” to the end substitute “Air Navigation Order 2016”.”

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(a) S.I. 2019/645.

9. Omit regulation 349 (amendment of Article 10 of Commission Regulation (EU) No 965/2012).

10. In regulation 357 (amendment of the Appendices to Annex 2 to Commission Regulation (EU) No 965/2012), in paragraph (3)(c), for “Issue 3” substitute “Issue 4”.

11. In regulation 367 (amendment of Annex 5 to Commission Regulation (EU) No 965/2012), after paragraph (5) insert—

“(6) In Subpart M (electronic flight bags (EFBs)), in both places the words occur, for “competent authority” substitute “CAA”.”

### **Amendment of Schedule 3 (savings and transitional arrangements)**

12. In Schedule 3 (savings and transitional arrangements)—

- (a) in the heading for paragraph 6, for “Regulation (EU) No 2018/1139” substitute “principal EU Regulations”;
- (b) in paragraph 6, for “under that provision” substitute “or an implementing act under that provision, or implementing rules under a corresponding provision”.

## **PART 3**

### **Amendment of EU implementing Regulations**

#### **CHAPTER 1**

#### **Amendment of Commission Regulation on operation of balloons**

13. Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council is amended in accordance with regulations 14 to 19.

### **Amendment of Article 3 of Commission Regulation (EU) 2018/395**

14. In Article 3 (air operations), in paragraph 2—

- (a) in the second subparagraph, and in the third subparagraph in point (b), for “competent authority” substitute “CAA”;
- (b) in the third subparagraph, in points (c) and (d), for “a Member State” substitute “the United Kingdom”.

### **Amendment of Article 4 of Commission Regulation (EU) 2018/395**

15. In Article 4 (transitional provisions)—

- (a) in the first subparagraph—
  - (i) for “Member States” substitute “the CAA”;
  - (ii) for “national law” substitute “any other relevant enactment”;
- (b) in the second subparagraph, for “Member States” substitute “the CAA”.

### **Further amendment of Commission Regulation (EU) 2018/395**

16. After Article 5 (entry into force and application), omit the sentence which begins “This Regulation shall be binding”.

### **Amendment of Annex 1 to Commission Regulation (EU) 2018/395**

17. Annex 1 (definitions) is amended as follows—

- (a) in points 1 and 2, for “Agency” substitute “CAA”;
- (b) in point 16, for the words from “period between” to the end substitute “time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level”.

#### **Amendment of Annex 2 to Commission Regulation (EU) 2018/395**

- 18.**—(1) Annex 2 (balloon air operations) is amended as follows.
- (2) Omit point BOP.BAS.005.
  - (3) In point BOP.BAS.010, in point (a), for “competent authority” substitute “CAA”.
  - (4) In point BOP.BAS.020—
    - (a) in point (a), for “competent authority” substitute “CAA”;
    - (b) in point (b), for “Agency” substitute “CAA”.
  - (5) In points BOP.BAS.030, BOP.BAS.050, BOP.BAS.055 and BOP.ADD.010, in each place the words occur, for “competent authority” substitute “CAA”.
  - (6) In point BOP.ADD.010, at the end, for “Agency” substitute “CAA”.
  - (7) In points BOP.ADD.015, BOP.ADD.020, BOP.ADD.025, BOP.ADD.035, BOP.ADD.105 and BOP.ADD.115, in each place the words occur, for “competent authority” substitute “CAA”.
  - (8) In point BOP.ADD.300, in point (e)(3), for the words from “the national” to “business” substitute “any relevant enactment”.
  - (9) In point BOP.ADD.400, in point (b), for the words from “the national” to “business” substitute “any relevant enactment”.
  - (10) In point BOP.ADD.435, in point (c), for “competent authority” substitute “CAA”.

#### **Amendment of Appendix to Commission Regulation (EU) 2018/395**

- 19.** In the Appendix (declaration), in the fifth statement commencing “The operator will notify”, in both places the words occur, for “competent authority” substitute “CAA”.

### **CHAPTER 2**

#### **Amendment of Commission Implementing Regulation on operation of sailplanes**

- 20.** Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council is amended in accordance with regulations 21 to 25.

#### **Amendment of Article 3 of Commission Implementing Regulation (EU) 2018/1976**

- 21.** In Article 3 (air operations), in paragraph 2—
- (a) in the first subparagraph, and in the second subparagraph in point (b), for “competent authority” substitute “CAA”;
  - (b) in the second subparagraph, in points (c) and (d), for “a Member State” substitute “the United Kingdom”.

#### **Further amendment of Commission Implementing Regulation (EU) 2018/1976**

- 22.** After Article 4 (entry into force and application), omit the sentence which begins “This Regulation shall be binding”.

#### **Amendment of Annex 1 to Commission Implementing Regulation (EU) 2018/1976**

- 23.** Annex 1 (definitions) is amended as follows—
- (a) in points 1 and 2, for “Agency” substitute “CAA”;

- (b) in point 13, for the words from “period between” to the end substitute “time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level”.

**Amendment of Annex 2 to Commission Implementing Regulation (EU) 2018/1976**

24.—(1) Annex 2 (sailplane air operations) is amended as follows.

(2) Omit point SAO.GEN.105.

(3) In point SAO.GEN.110, for “competent authority” substitute “CAA”.

(4) In point SAO.GEN.120—

(a) in point (a), for “competent authority” substitute “CAA”;

(b) in point (b), for “Agency” substitute “CAA”.

(5) In points SAO.GEN.130, SAO.GEN.155, SAO.DEC.100 and SAO.DEC.105, in each place the words occur, for “competent authority” substitute “CAA”.

**Amendment of Appendix to Commission Implementing Regulation (EU) 2018/1976**

25. In the Appendix (declaration), in the box commencing “The operator will notify”, in both places the words occur, for “competent authority” substitute “CAA”.

Signed by authority of the Secretary of State for Transport

*Name*

Parliamentary Under Secretary of State

Department for Transport

Date

**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), in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of aviation safety. None of the changes being made alter the technical requirements and standards established by the legislation.

Part 1 covers citation and commencement.

Part 2 amends the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645). Amendments are made to Part 3, Chapter 4 (on occurrence reporting), to reverse some minor corrections to Regulation (EU) No 376/2014 which are not required. Amendments are then made to Part 4, Chapter 4 (on aircrew) and Chapter 5 (on air operations), to ensure that amendments made by recent EU implementing Regulations to Commission Regulation (EU) No 1178/2011 and Commission Regulation (EU) No 965/2012 will operate effectively on exit day. An amendment is also made to paragraph 6 of Schedule 3 to the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 to reflect the fact that implementing acts and implementing rules, as well as delegated acts, have been adopted by the European Commission under EU Regulations on civil aviation safety.

Part 3 corrects two recent Commission implementing Regulations, one relating to the operation of balloons and the other relating to the operation of sailplanes.

A full impact assessment has not been produced for this instrument, as no significant impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).