

2022 No. 0000

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Aviation Safety (Amendment) Regulations 2022

<i>Sift requirements satisfied</i>	<i>May 2022</i>
<i>Made - - - -</i>	<i>June 2022</i>
<i>Laid before Parliament</i>	<i>11th June 2022</i>
<i>Coming into force</i>	
<i>Regulation 2(b)</i>	<i>1st January 2023</i>
<i>Remainder</i>	<i>1st July 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a) and Articles 19(3) and 23(1) of Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation^(b).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Aviation Safety (Amendment) Regulations 2022.
- (2) Subject to paragraph (3), these Regulations come into force on 1st July 2022.
- (3) Regulation 2(b) comes into force on 1st January 2023.
- (4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(b) EUR 2018/1139, amended by S.I. 2019/645.

PART 2

Amendment of retained direct principal EU legislation

Amendment of Regulation (EU) 2018/1139 (aviation safety)

2. In Article 9 (essential requirements) of Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation, in paragraph 2, in the first subparagraph—

- (a) for “Amendment 12 of Volume I,” substitute “Amendment 13 of Volume I,”;
- (b) for “Amendment 9 of Volume II,” substitute “Amendment 10 of Volume II,”;
- (c) for “in the initial issue of Volume III, all as applicable on 1 January 2018,” substitute “in Amendment 1 of Volume III”.

PART 3

Amendment of retained direct minor EU legislation

Amendment of Commission Regulation (EU) No 1178/2011 (aircrew)

3. In Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council^(a), omit Article 4c (transitional measures for holders of an en route instrument rating).

Amendment of Commission Implementing Regulation (EU) 2018/395 (balloons)

4.—(1) Commission Implementing Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council^(b) is amended as follows.

(2) In Article 3b (existing pilot licences and national medical certificates), in paragraph 3, omit “issued by the CAA before the date of application of Annex III (Part-BFCL) to this Regulation”.

(3) In Article 3c (credit for training that commenced prior to the date of application of this Regulation), in paragraph 2, for the words “that commenced prior to the date of application of this Regulation or of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, in accordance with Annex 1 to the Chicago Convention” substitute “for the issue of a licence under the Air Navigation Order 2016 that commenced prior to 8 December 2023”.

Amendment of Commission Implementing Regulation (EU) 2018/1976 (sailplanes)

5.—(1) Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council^(c) is amended as follows.

(2) In Article 3b (existing pilot licences and national medical certificates), in paragraph 3, omit “issued before the date of application of Annex III (Part-SFCL) to this Regulation”.

(3) In Article 3c (credit for training that commenced prior to the date of application of this Regulation), in paragraph 2, for the words “that commenced prior to the date of application of this Regulation or of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, in accordance with

(a) EUR 2011/1178, amended by S.I. 2019/645, 2020/1116, 2021/10, 2021/614 and 2021/1203.

(b) EUR 2018/395, amended by S.I. 2019/1098, 2020/1116, 2021/10 and 2021/1203.

(c) EUR 2018/1976, amended by S.I. 2019/1098, 2020/1116, 2021/10 and 2021/1203.

Annex 1 to the Chicago Convention” substitute “for the issue of a Glider Pilot’s Certificate that commenced prior to 8 December 2023”.

Amendment of Commission Implementing Regulation (EU) 2019/947 (operation of unmanned aircraft)

6. In Article 23 (commencement and application) of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft(a), omit paragraphs 2, 3 and 5.

Signed by authority of the Secretary of State for Transport

Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation in the field of aviation safety.

Part 2 amends Regulation (EU) 2018/1139 to adopt three sets of amendments to Annex 16 (Environmental Protection) of the International Convention on Civil Aviation 1944. These relate to certification of aircraft for noise, certification of engines for emissions, and certification of aeroplanes for carbon dioxide emissions.

Part 3 amends retained direct minor EU legislation. Regulation 3 amends Commission Regulation (EU) No 1178/2011 (aircrew) to remove unnecessary transitional measures intended to transition to the Basic Instrument Rating which the UK does not currently intend to adopt.

Regulation 4 makes amendments to Commission Regulation (EU) No 2018/395 in respect of balloon licensing. The amendment in regulation 4(2) allows the holders of national pilot licences for balloons issued after 8th April 2020 to continue to fly Part-21 balloons until 8th December 2023. The amendment in regulation 4(3) allows for training undertaken for the issue of a national licence before 8th December 2023 to be credited towards the issue of a Part-BFCL licence.

Regulation 5 makes amendments to Commission Regulation (EU) No 2018/1976 in respect of sailplane licensing. The amendment in regulation 5(2) allows the holders of national pilot licences for sailplanes issued after 8 April 2020 to continue to fly Part-21 sailplane until 8 December 2023. The amendment in regulation 4(3) allows for training undertaken for the issue of a national licence before 8 December 2023 to be credited towards the issue of a Part-SFCL licence.

Regulation 6 is made in exercise of the power conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address deficiencies (of the kind referred to in section 8(2)(a)) in retained EU law. Regulation 6 amends Commission Implementing Regulation (EU) 2019/947 (operation of unmanned aircraft) to remove redundant commencement provisions which relate to provisions which do not form part of retained EU law.

The provision in regulation 2(b) was subject to a full impact assessment which relied on that conducted by the International Civil Aviation Organization’s impact assessment of the same changes and may be found at https://www.easa.europa.eu/sites/default/files/dfu/NPA_2020-06.pdf. A hard copy of the full impact assessment can be obtained by emailing impactassessments@dft.gov.uk.

(a) EUR 2019/947, amended by S.I. 2020/1593, 2021/10 and 2021/1203.

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