

*Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union
(Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN UNION
CIVIL AVIATION**

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

Made - - - - 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 23(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Aviation Security (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

PART 2

Amendment of primary legislation

The Aviation Security Act 1982

- 2.—(1) The Aviation Security Act 1982(2) is amended as follows.
- (2) In section 20—
- (a) omit subsections (3A), (4A) and (6); and
 - (b) in subsection (4) for “subsections (3) and (3A)” substitute “subsection (3)”.
- (3) In section 21E omit subsection (4).

PART 3

Amendment and revocation of retained EU law

Amendment of Regulation (EC) No 300/2008

3. Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 is amended in accordance with regulations 4 to 40.

4. In the title omit “common”.
5. In Article 1 (objectives)—
- (a) in paragraph 1—
 - (i) in the first subparagraph, omit “common”;
 - (ii) in the second subparagraph, for “a common” substitute “an”;
 - (b) in paragraph 2(a) omit “common”.
6. In Article 2 (scope)—
- (a) in paragraph 1(a) for “territory of a Member State” substitute “United Kingdom”;
 - (b) omit paragraph 2.
7. In Article 3 (definitions)—
- (a) omit paragraphs 5 and 28;
 - (b) in paragraph 27 omit “common”.
- 8.—(1) Article 4 (basic standards) is amended as follows.
- (2) In the heading, omit “Common”.
- (3) In paragraph 1—
- (a) in the first subparagraph omit “common”;
 - (b) for the second subparagraph substitute—

“Additional basic standards not foreseen at the entry into force of this Regulation may be added to the Annex by regulations made by the Secretary of State.”

(2) 1982 c. 36. Section 20 was amended by the Aviation and Maritime Security Act 1990 (c. 31) and S.I. 2010/902. Section 21E was inserted by section 5 of the Aviation and Maritime Security Act 1990 and amended by S.I. 2010/902. There are other amendments which are not relevant to these Regulations.

- (4) In paragraph 2—
- (a) for the first subparagraph substitute—
- “2. General measures, designed to amend non-essential elements of the basic standards referred to in paragraph 1 by supplementing them, may be prescribed by regulations made by the Secretary of State.”;
- (b) in point (l) omit “common”;
- (c) omit the final subparagraph.
- (5) In paragraph 3—
- (a) for the first subparagraph substitute—
- “3. Detailed measures for the implementation of the basic standards referred to in paragraph 1 and the general measures referred to in paragraph 2 may be prescribed by regulations made by the Secretary of State.”.
- (b) in point (e), for a “third” substitute “another”.
- (6) In paragraph 4—
- (a) for the first subparagraph substitute—
- “4. The Secretary of State may make regulations to set criteria to permit derogation from the basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.”;
- (b) omit the second and third subparagraphs.
- (7) In paragraph 5—
- (a) for “Member States” in the first sentence substitute “The appropriate authority”;
- (b) for “their territory” substitute “the United Kingdom”;
- (c) omit “common”;
- (d) for “a Member State” in the second sentence substitute “the appropriate authority”.
9. In Article 5 (security costs)—
- (a) for “Subject to the relevant rules of Community law, each Member State” substitute “The Secretary of State”;
- (b) for “and in conformity with Community Law, Member States” substitute “the Secretary of State”.
- 10.—(1) Article 6 (more stringent measures) is amended as follows.
- (2) In the heading, omit “applied by Member States”.
- (3) In paragraph 1—
- (a) for “Member States” substitute “The Secretary of State”;
- (b) omit “common”;
- (c) for “they” substitute “the Secretary of State”;
- (d) omit “and in compliance with Community law”.
- (4) Omit paragraphs 2 and 3.
11. Omit Articles 7 and 8.

- 12.** In Article 9 (appropriate authority)—
- (a) for “Where, within a single Member State, two or more bodies are involved in civil aviation security, that Member State shall designate a single” substitute “The Secretary of State is designated as the”;
 - (b) omit “common”.
- 13.** In Article 10 (national civil aviation security programme), in paragraph 1—
- (a) in the first subparagraph, for “Every Member State” substitute “The appropriate authority”;
 - (b) in the second subparagraph, omit “common”.
- 14.—**(1) Article 11 (national quality control programme) is amended as follows.
- (2) In paragraph 1—
- (a) in the first subparagraph, for “Every Member State” substitute “The appropriate authority”;
 - (b) in the second subparagraph, for “Member State” substitute “appropriate authority”.
- (3) In paragraph 2—
- (a) for the first subparagraph, substitute—
“The specifications for the national quality control programme may be prescribed by regulations made by the Secretary of State.”;
 - (b) omit the second subparagraph;
 - (c) in the third subparagraph, for “territory of the Member State concerned” substitute “United Kingdom”.
- 15.** In Article 12 (airport security programme), in paragraph 1, in the second subparagraph omit “of the Member State in which the airport is located”.
- 16.—**(1) Article 13 (air carrier security programme) is amended as follows.
- (2) In paragraph 1, in the second subparagraph omit “of the Member State from which it provides services”.
- (3) In paragraph 3—
- (a) for the first sentence, substitute—
“Where an air carrier security programme has been validated by the entity granting an operating licence, the air carrier should be recognised as having fulfilled the requirements of paragraph 1.”;
 - (b) in the second sentence, for “a Member State’s” substitute “the Secretary of State’s”;
 - (c) in point (a) for “that Member State” substitute “the Secretary of State”.
- 17.** In Article 14 (entity security programme), in paragraph 1, in the second subparagraph omit “of the Member State in respect of its operations in that Member State”.
- 18.—**(1) Article 15 (inspections) is amended as follows.
- (2) In the heading, omit “Commission”.
- (3) In paragraph 1—
- (a) in the first subparagraph—
 - (i) for “The Commission, acting in cooperation with the appropriate authority of the Member State concerned,” substitute “The appropriate authority”;

- (ii) omit “by Member States”;
- (iii) omit the sentence beginning with the words “For this purpose”;
- (b) for the second subparagraph substitute—
“The procedures for conducting inspections may be prescribed by regulations made by the Secretary of State.”.
- (4) In paragraph 2—
 - (a) omit “Commission”;
 - (b) omit the second sentence.
- (5) Omit paragraph 3.
- 19. After Article 15 insert—

“Article 15A

Parliamentary procedure

- 1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
- 2. Regulations made by the Secretary of State under Articles 4(1), (2) or (4) or 11(2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 3. Regulations made by the Secretary of State under any other provision in this Regulation are subject to annulment in pursuance of a resolution of either House of Parliament.
- 4. Regulations made under this Regulation may—
 - (a) make different provision for different purposes or areas;
 - (b) include supplementary, incidental or consequential provision;
 - (c) make transitional, transitory or saving provision.”.
- 20. Omit Articles 16 to 22.
- 21. In Article 24 (entry into force) omit the second subparagraph of paragraph 3 beginning with the words “This Regulation”.
- 22. Annex 1 is amended in accordance with regulations 23 to 29.
- 23. In the heading, omit “common”.
- 24. In point 1.1, omit “common”.
- 25. In point 2, omit “common”.
- 26. In point 4.1—
 - (a) for points (a) and (b) of paragraph 2 substitute—
 - “(a) they arrive from a domestic airport; or
 - (b) they arrive from any other airport designated by the appropriate authority.”;
 - (b) for points (c) and (d) of paragraph 3 substitute—
 - “(c) they arrive from a domestic airport; or
 - (d) they arrive from any other airport designated by the appropriate authority.”.

27. In point 4.2 for points (a) and (b) of paragraph 2 substitute—
“(a) they arrive from a domestic airport; or
(b) they arrive from any other airport designated by the appropriate authority.”;
28. In point 5.1 for paragraph 2 substitute—
“2. Hold baggage may be exempted from screening if—
(a) it arrives from a domestic airport; or
(b) it arrives from any other airport designated by the appropriate authority.”.
29. In point 6.1 omit “or an account consignor”.
30. Annex 2 is amended in accordance with regulations 31 to 40.
31. In the heading—
(a) omit “Common”;
(b) for “each Member State” substitute “the appropriate authority”.
32. Omit point 1.1(2).
33. Omit point 2.1.
34. In point 3.2(f), for “points 2.1 and 2.3” substitute “point 2.3”.
35. Omit point 7.6.
36. In point 11—
(a) in the heading omit “common”;
(b) in point 11.1 omit “harmonised”.
37. In points 14.1 and 15.1 for “Each Member State” substitute “The appropriate authority”.
38. Omit points 17 to 18.3.
39. In Appendix 2, in the heading omit “harmonised”.
40. Omit Appendix 3.

Amendment of Commission Regulation (EC) No 272/2009

41. [Commission Regulation \(EC\) No 272/2009](#) of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation [\(EC\) No 300/2008](#) of the European Parliament and of the Council is amended in accordance with regulations 42 to 46.

42. In the title, omit “common”.
43. In Article 1—
(a) in the first subparagraph, omit “common”;
(b) omit point (e).
44. In Article 2, in paragraphs 3, 4 and 5 omit “common”.
45. In Article 3 (entry into force) omit the third subparagraph beginning with the words “This Regulation”.
- 46.—(1) The Annex is amended as follows.
(2) In Part A—

- (a) in the first paragraph, for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”;
 - (b) in the last paragraph, for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (3) In Part B, in the first paragraph for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (4) In Part B1 for “adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (5) In Part D, in the first and second paragraphs for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (6) Omit Part E.
- (7) In Part F, point 2.2, in the third paragraph for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (8) In Part H, in point 2.1 for “to be adopted pursuant to” substitute “prescribed by regulations made by the Secretary of State in accordance with”.
- (9) In Part J, in point 2 for “to be adopted pursuant to” substitute “prescribed in regulations made by the Secretary of State in accordance with”.
- (10) In Part K—
- (a) in the first paragraph for “to be adopted pursuant to” substitute “prescribed in regulations made by the Secretary of State in accordance with”;
 - (b) in point (a) omit “the Commission or”.

Amendment of Commission Regulation (EU) No 1254/2009

47. Commission Regulation (EU) No 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 is amended in accordance with regulations 48 to 50.

48. In the title, for “Member States to derogate from the common” substitute “derogation from the”.

49. In Article 1—

- (a) in the first subparagraph—
 - (i) for “Member States” substitute “The appropriate authority”;
 - (ii) omit “common”;
- (b) in the second subparagraph omit the second and third sentences.

50. In Article 2 (entry into force), omit the last subparagraph beginning with the words “This Regulation”.

Amendment of Commission Implementing Regulation (EU) 2015/1998

51. Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security is amended in accordance with regulations 52 to 125.

52. In the title, omit “common”.

53. In Article 1, omit “common” in both places it occurs.

54. In Article 3 (entry into force), omit the third subparagraph beginning with the words “This Regulation”.

Amendment of Chapter 1 (airport security)

55.—(1) Chapter 1 of the Annex is amended as follows.

- (2) Omit point 1.0.5.
- (3) In point 1.1.3.4—
 - (a) in point (b), for “third countries other than those listed in Attachment 4-B” substitute “any airport other than a domestic airport or any other airport designated by the appropriate authority”;
 - (b) omit point (c);
 - (c) in the last sentence, for “points (b) and (c) are” substitute “point (b) is”.
- (4) In points 1.2.3 and 1.2.3.1, for “Union” substitute “United Kingdom”.
- (5) Omit points 1.2.3.7 and 1.2.3.8.
- (6) In points 1.2.4 and 1.2.4.1, for “Union” substitute “United Kingdom”.
- (7) Omit points 1.2.8, 1.3.1.9, 1.3.2.3, 1.4.1.4, 1.4.2.3, 1.4.3.3 and 1.4.4.2.

Amendment of Chapter 3 (aircraft security)

56.—(1) Chapter 3 of the Annex is amended as follows.

- (2) Omit points 3.0.2, 3.0.6, 3.0.8 and 3.1.1.2.
- (3) In point 3.1.1.3 for “a third country not listed in Attachment 3-B” substitute “any airport other than a domestic airport or any other airport designated by the appropriate authority”.
- (4) Omit points 3.1.1.4, 3.1.1.5 and 3.1.2.
- (5) Omit point 3.2.2.5 and Attachment 3-A (aircraft security search) and Attachment 3-B (aircraft security).

Amendment of Chapter 4 (passengers and cabin baggage)

57.—(1) Chapter 4 of the Annex is amended as follows.

- (2) Omit points 4.0.2 and 4.0.3.
- (3) In point 4.0.4(c), omit “that meets the provisions of point 12.7 of the Annex to Commission Implementing Decision C(2015) 8005”.
- (4) Omit points 4.0.5 and 4.0.6.
- (5) In point 4.1.1.7, omit “The Commission shall be informed of the categories created.”.
- (6) Omit point 4.1.1.8.
- (7) In the third subparagraph of point 4.1.1.10, omit “in accordance with Attachment 4-A of Commission Implementing Decision C(2015) 8005”.
- (8) In point 4.1.2.10, omit “The Commission shall be informed of the categories created.”.
- (9) Omit point 4.1.2.12.
- (10) In point 4.1.3.3, omit “The Commission shall be informed of the categories created.”.
- (11) Omit points 4.1.3.4 and 4.2.
- (12) Omit Attachment 4-A (requirements for a hand search) and Attachment 4-B (passengers and cabin baggage).

Amendment of Chapter 5 (hold baggage)

- 58.**—(1) Chapter 5 of the Annex is amended as follows.
- (2) Omit points 5.0.2, 5.0.3, 5.0.5 and 5.0.6.
 - (3) In point 5.1.5, omit “The Commission shall be informed of the categories created.”.
 - (4) Omit points 5.1.6, 5.2.3 and 5.3.2.2.
 - (5) In point 5.3.3.1, omit “and, where applicable, applying additional requirements laid down in Commission Implementing Decision C(2015) 8005”.
 - (6) In point 5.3.3.2 for “referred to in point 5.3.2.2” substitute “designated by the appropriate authority”;
 - (7) Omit point 5.3.3.3 and Attachment 5-A (hold baggage).

Amendment of Chapter 6 (cargo and mail)

- 59.** Chapter 6 of the Annex is amended in accordance with regulations 60 to 120.
- 60.** Omit point 6.0.3.
- 61.** In point 6.1.1, omit point (c).
- 62.** Omit point 6.2.1.3.
- 63.** In point 6.2.1.6, omit “and notified to the Commission”.
- 64.** Omit point 6.2.2.
- 65.** In point 6.3.1.2—
- (a) in the first subparagraph of point (a) omit “of the Member State”;
 - (b) in point (b)—
 - (i) in the first subparagraph omit “EU”;
 - (ii) omit the second subparagraph;
 - (c) in points (c) and (d), omit “Union”;
- 66.** In point 6.3.1.4, omit the third subparagraph.
- 67.** In point 6.3.1.5—
- (a) omit the second and third subparagraphs;
 - (b) in the fourth subparagraph, omit “Union”.
- 68.** Omit points 6.3.1.6 and 6.3.1.8.
- 69.** In point 6.3.2.1, for the words from “, a known consignor” to the end substitute “or a known consignor”.
- 70.** In point 6.3.2.4 omit “and point 6.3 of the Annex to Commission Implementing Decision C(2015) 8005”.
- 71.** In point 6.3.2.6—
- (a) in point (c), for “except for consignments listed in points 6.2.1(d) and (e) of Commission Implementing Decision C(2015) 8005” substitute “except for small consignments or consolidations of such consignments designated by the appropriate authority”;
 - (b) in point (e), omit point (ii) and the “or” after it.
- 72.** In point 6.3.2.7, in the second subparagraph, omit “or exempted from screening in line with points 6.2.1(d) and (e) of Commission Implementing Decision C(2015) 8005”.

- 73.** In point 6.3.2.9, omit the second subparagraph.
- 74.** In point 6.4.1.2—
- (a) in point (a), omit “of the Member State in which its site is located”;
 - (b) in point (b) for “EU aviation security validator” in each place it occurs substitute “aviation security validator”;
 - (c) omit point (c);
 - (d) in point (d)—
 - (i) in the first subparagraph, omit “or (a) and (c), as applicable” and “Union”;
 - (ii) in the second subparagraph, omit “or (a) and (c)”;
 - (e) in point (e) omit “Union”.
- 75.** In point 6.4.1.4, omit the third subparagraph.
- 76.** In point 6.4.1.5—
- (a) omit the second and third subparagraphs;
 - (b) in the fourth subparagraph, omit “Union”.
- 77.** Omit points 6.4.1.6 and 6.4.1.7.
- 78.** Omit points 6.5 to 6.5.4.
- 79.** In point 6.6.1.1, for “, known consignor or account consignor”, in each place it occurs, substitute “or known consignor”.
- 80.** Omit point 6.7.
- 81.** In point 6.8 for “Union from third” substitute “United Kingdom from other”.
- 82.** For point 6.8.1.1 substitute—
- “6.8.1.** Any air carrier carrying cargo or mail from an airport in another country for transfer, transit or unloading at any airport falling within the scope of Regulation (EC) No 300/2008 shall be designated as an ‘Air Cargo or Mail Carrier operating into the United Kingdom from Another Country Airport’ (UK-ACC3) by the appropriate authority.
- This requirement does not apply in respect of a country or territory designated by the appropriate authority.”.
- 83.** In point 6.8.1.2—
- (a) for “ACC3”, in both places it occurs, substitute “UK-ACC3”;
 - (b) in point (b), for “an EU aviation security validation report” substitute “an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report)”.
- 84.** In point 6.8.1.3—
- (a) for “ACC3” substitute “UK-ACC3”;
 - (b) for “third country airport” substitute “airport in another country”;
 - (c) for “Union” substitute “United Kingdom”.
- 85.** In point 6.8.1.4—
- (a) for “ACC3’s” substitute “UK-ACC3’s”;
 - (b) omit “Union”;

- (c) for a “maximum period of five years” substitute “period of five years, unless the appropriate authority determines that the designation shall cease to be valid on an earlier date or determines that the designation remains valid for a further period not exceeding three months”.
- 86.** For point 6.8.1.5 substitute—
- “**6.8.1.** A UK-ACC3 listed on the database on supply chain security shall be recognised by the appropriate authority for all operations from an airport in another country into the United Kingdom.”.
- 87.** Omit points 6.8.2 to 6.8.2.4.
- 88.** In point 6.8.3 for “a third” substitute “another”.
- 89.** In point 6.8.3.1—
- (a) for “ACC3” substitute “UK-ACC3”;
- (b) for “Union” substitute “United Kingdom”;
- (c) in points (a) and (b), omit “EU”;
- (d) omit point (c);
- (e) omit “Point (c) shall apply until 30 June 2021.”.
- 90.** In point 6.8.3.2 for “Union” substitute “United Kingdom”.
- 91.** In point 6.8.3.3—
- (a) for “ACC3” substitute “UK-ACC3”;
- (b) in points (a) and (b) omit “EU”.
- 92.** In point 6.8.3.4, for “ACC3”, in both places it occurs, substitute “UK-ACC3”.
- 93.** In point 6.8.3.5—
- (a) for “ACC3”, in both places it occurs, substitute “UK-ACC3”;
- (b) in point (b), omit “Union”;
- (c) in the second subparagraph—
- (i) omit “Union”;
- (ii) for “ACC3” substitute “UK-ACC3”;
- (iii) omit “EU”.
- 94.** In point 6.8.3.6—
- (a) for “ACC3” substitute “UK-ACC3”;
- (b) omit “EU”;
- (c) in point (a), for “ACC3” substitute “UK-ACC3”;
- (d) in point (b), omit “EU”;
- (e) in the last sentence—
- (i) for “ACC3” substitute “UK-ACC3”;
- (ii) omit “EU”;
- (iii) for “European Union” substitute “United Kingdom”.
- 95.** Omit point 6.8.3.7.
- 96.** For point 6.8.4.1 substitute—

“**6.8.4.** Entities from another country being, or intending to be, part of the supply chain of an air carrier holding the status of UK-ACC3, may be designated as either ‘regulated agent for another country’ (RA3) or ‘third country known consignor’ (KC3).”.

97. For point 6.8.4.2 substitute—

“**6.8.4.** To obtain designation, the entity shall address the request to the appropriate authority.”.

98. In point 6.8.4.4(b), for “an EU aviation security validation report” substitute “an assessment by the appropriate authority of relevant evidence (which for the purpose of this Regulation may include a validation report)”.

99. In point 6.8.4.5—

- (a) for “third” substitute “other”;
- (b) for “Union” substitute “United Kingdom”.

100. In point 6.8.4.6, omit “Union”.

101. Omit points 6.8.4.7 and 6.8.4.9.

102. Omit points 6.8.5 to 6.8.5.7.

103. In point 6.8.6, for “ACC3” substitute “UK-ACC3”.

104. In point 6.8.6.1.1—

- (a) omit “Commission or an”;
- (b) for “ACC3” substitute “UK-ACC3”;
- (c) for “Union” substitute “United Kingdom”;
- (d) at the end of point (a) omit “and”;
- (e) omit point (b).

105. In point 6.8.6.1.2—

- (a) in the first subparagraph—
 - (i) for “ACC3”, in both places it occurs, substitute “UK-ACC3”;
 - (ii) omit “, or the Commission”;
- (b) in points (a) and (b)—
 - (i) for “ACC3” substitute “UK-ACC3”;
 - (ii) omit “Union”;
- (c) omit the second subparagraph.

106. In point 6.8.6.1.3—

- (a) for “ACC3” substitute “UK-ACC3”;
- (b) omit “Union”;
- (c) omit “EU”.

107. In point 6.8.6.1.4—

- (a) for “ACC3” substitute “UK-ACC3”;
- (b) for “authorities” substitute “authority”;
- (c) for “themselves” substitute “itself”;
- (d) for “ACC3s” substitute “UK-ACC3s”;

(e) for “their” substitute “its”.

108. In point 6.8.6.2.1—

(a) in the first subparagraph—

(i) for “ACC3” substitute “UK-ACC3”;

(ii) omit “Union”;

(b) in point (b) for “ACC3” substitute “UK-ACC3”.

109. In point 6.8.6.2.2—

(a) for “ACC3” substitute “UK-ACC3”;

(b) for “authorities” substitute “authority”;

(c) for “themselves” substitute “itself”;

(d) for “ACC3s” substitute “UK-ACC3s”;

(e) for “their” substitute “its”.

110. In Attachment 6-A—

(a) in the first paragraph omit “common”;

(b) omit “Union” in each place it occurs.

111. In Attachment 6-B—

(a) under “Consignor’s responsibilities”, in the second paragraph, in point (c), omit “EU”;

(b) in the third paragraph, omit “EU”;

(c) omit the fourth paragraph;

(d) in the seventh paragraph, omit “AEO certificate number and the date of the last examination of this site by customs authorities, if applicable”;

(e) in point (c) in the second paragraph under “Consignor’s responsibilities” omit “EU”.

112. In Attachment 6-C—

(a) in Part 1, omit section 1.4;

(b) in Part 9, under “Declaration of Commitments”, omit “Union”.

Revocation of Attachments 6-C2 to 6-C4

113. Omit Attachments 6-C2 to 6-C4.

Revocation of Attachment 6-D

114. Omit Attachment 6-D.

Amendment of Attachment 6-E

115. Attachment 6-E is amended in accordance with regulations 116 and 117.

116. In the second paragraph omit “/account consignor”.

117. In points (a) and (c) of the seventh indent, for “, known consignor or account consignor” substitute “or known consignor”.

Revocation of Attachments 6-F and 6-G

118. Omit Attachments 6-F and 6-G.

Revocation of Attachments 6-H1 to 6-H3

119. Omit Attachments 6-H1 to 6-H3.

Revocation of Attachments 6-I and 6-J

120. Omit Attachments 6-I and 6-J.

Amendment of Chapter 7 (air carrier mail and air carrier materials)

121. In Chapter 7 of the Annex omit point 7.1.3.

Amendment of Chapter 8 (in-flight supplies)

122.—(1) Chapter 8 of the Annex is amended as follows.

(2) Omit points 8.1.1.3 and 8.1.2.2.

(3) In point 8.1.3.2—

(a) in point (a), omit “of the Member State in which its site is located”;

(b) in point (b), omit “EU”;

(c) in points (c) and (d), omit “Union”.

(4) Omit point 8.1.3.5.

(5) In point 8.1.4.4, omit “EU”.

(6) Omit points 8.1.5.3, 8.2 and 8.3.3.

(7) In Attachment 8-A and Attachment 8-B, for “Union”, in each place it occurs, substitute “United Kingdom”.

Amendment of Chapter 9 (airport supplies)

123.—(1) Chapter 9 of the Annex is amended as follows.

(2) Omit point 9.1.2.2.

(3) In point 9.1.3.4, omit “EU”.

(4) Omit points 9.2 and 9.3.3.

Amendment of Chapter 11 (staff recruitment and training)

124.—(1) Chapter 11 of the Annex is amended as follows.

(2) In points 11.1.3 and 11.1.4 omit, “Union and”.

(3) In point 11.2.5, in point (b) omit “, Union”.

(4) In point 11.5.3 for “Member State” substitute “United Kingdom”.

(5) Omit point 11.5.5.

(6) In points 11.6 and 11.6.1 omit “EU”.

(7) In point 11.6.2—

(a) omit “EU”;

(b) omit point (d).

(8) In point 11.6.3, omit “EU”.

(9) In 11.6.3.1—

- (a) for “Member States” substitute “The appropriate authority”;
- (b) omit “EU”.
- (10) Omit 11.6.3.2.
- (11) In point 11.6.3.3, omit “EU”.
- (12) Omit 11.6.3.4.
- (13) In point 11.6.3.5—
 - (a) in the first paragraph and in point (b), omit “EU”;
 - (b) in point (d)(1) omit “Union and”.
- (14) Omit 11.6.3.7.
- (15) In point 11.6.3.8 and 11.6.4, omit “EU”.
- (16) In point 11.6.4.1—
 - (a) omit “EU” in the first and second place it occurs;
 - (b) for “listed in the Union database on supply chain security” substitute “recorded by the appropriate authority”;
 - (c) omit the sentence beginning “For the period”.
- (17) Omit point 11.6.4.2.
- (18) In point 11.6.4.3—
 - (a) for “a Member State” substitute “the appropriate authority”;
 - (b) omit “EU”;
 - (c) for the words from “Union” to “its concern” substitute “its record”.
- (19) In point 11.6.4.4—
 - (a) omit “EU”;
 - (b) omit the final sentence.
- (20) Omit point 11.6.4.5.
- (21) In point 11.6.5, omit “EU”.
- (22) In point 11.6.5.1—
 - (a) for “The validation report” substitute “A validation report, where required,”;
 - (b) omit “EU”, in each place it occurs.
- (23) In points 11.6.5.2 and 11.6.5.5, omit “EU”.
- (24) Omit points 11.7 and 11.7.1.
- (25) In Attachment 11-A, omit “EU” in each place it occurs.

Amendment of Chapter 12 (security equipment)

- 125.**—(1) Chapter 12 of the Annex is amended as follows.
- (2) In point 12.0.1, omit the second subparagraph.
 - (3) In point 12.1.2.1, omit the second sentence.
 - (4) Omit points 12.3, 12.4.2.4, 12.4.3 and 12.5.2.5.
 - (5) In point 12.6.1, in the second subparagraph omit the second sentence.
 - (6) In point 12.7.2.1 omit the second sentence.
 - (7) Omit points 12.7.2.2 and 12.7.3.

- (8) In point 12.8.1 for “A Member State” substitute “The Secretary of State”.
- (9) Omit points 12.8.2 to 12.8.7.
- (10) In point 12.9.1.3 omit “set in Attachment 12-D of Commission Implementing Decision C(2015) 8005”.
- (11) In point 12.9.1.7 omit “in accordance with the Attachment 12-E and 12-F of Commission Implementing Decision C(2015) 8005”.
- (12) Omit point 12.9.2.1.
- (13) In point 12.9.3.7 omit “in accordance with the requirements laid down in point 12.9.3 of Commission Implementing Decision C(2015) 8005”.
- (14) Omit point 12.9.3.12.
- (15) In point 12.9.3.14 omit “to ensure that it meets the performance set in Attachment 12-D of Commission Implementing Decision C(2015) 8005”.
- (16) In point 12.9.4.1(a) omit “laid down in the Attachment 12-D of Commission Implementing Decision C(2015) 8005”.
- (17) Omit point 12.9.4.4.
- (18) In point 12.9.5.1 omit “set out in the Attachment 12-G of Commission Implementing Decision C(2015) 8005”.
- (19) Omit points 12.9.6 and 12.10.
- (20) In point 12.11.1, omit the last subparagraph.
- (21) Omit point 12.11.2.
- (22) In point 12.12.2.1, omit the second sentence.
- (23) Omit points 12.13.2.1 and 12.14.1.3.
- (24) Omit Attachments 12-A to 12-M.

Revocation of [Commission Regulation \(EU\) No 72/2010](#)

126. [Commission Regulation \(EU\) No 72/2010](#) of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security is revoked.

Revocation of [Commission Implementing Regulation \(EU\) 2019/103](#)

127. [Commission Implementing Regulation \(EU\) 2019/103](#) of 23 January 2019 amending [Implementing Regulation \(EU\) 2015/1998](#) as regards clarification, harmonisation and simplification as well as strengthening of certain specific aviation security measures is revoked.

Revocation of [Commission Decision C\(2015\) 8005](#)

128. [Commission Implementing Decision C\(2015\) 8005](#) of 16 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security is revoked.

PART 4

Amendment of the Annexes to the EEA Agreement

Amendment of Annex 13 to the EEA Agreement

129. Omit paragraphs 66h, 66hc and 66hf of Annex 13 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.

Signed by authority of the Secretary of State for Transport

Date

Name
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 sections 8(1) and 23(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), (b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. Moreover, section 8(5) and (6) of the 2018 Act are relevant to the provision made by these Regulations.

These Regulations make provision in respect of the Aviation Security Act 1982 and seven EU instruments. This body of legislation forms part of the regulatory framework governing aviation security in the United Kingdom.

Part 2 (regulation 2) amends two sections of the Aviation Security Act 1982 to ensure that they operate effectively as part of retained EU law by addressing deficiencies falling within section 8(2) (a) of the 2018 Act.

Part 3 (regulations 3 to 128) corrects retained direct EU legislation. For this purpose, it amends four EU instruments (Regulations 300/2008, 272/2009, 1254/2009 and 2015/1998) and revokes three EU instruments (Regulations 72/2010 and 2019/103, and Decision C(2015) 8005). Amongst other things, these Regulations remove redundant references to EU entities or concepts (e.g. Member States or the Commission) and reciprocal arrangements which will cease on exit day (e.g. the Union database holding information relating to EU wide entities providing cargo security).

Regulations 3 to 40 amend the provisions in EU Regulation 300/2008 to (amongst other things) ensure the continued availability of necessary legislative powers by replacing legislative powers conferred on the Commission (e.g. in Article 4) with powers to make regulations conferred on the Secretary of State. Regulation 19 makes provision governing the Parliamentary procedure which applies to the powers of the Secretary of State to make regulations.

Regulations 41 to 125 amend other EU Regulations (Regulations 300/2008, 272/2009, 1254/2009 and 2015/1998). Regulation 2015/1998 prescribes the detailed requirements governing matters such as passenger and baggage screening, access to secure areas of airports and the background checks which must be carried out in respect of airport staff who work in secure areas.

Regulation 126 revokes EU Regulation 72/2010. Regulation 127 revokes EU Regulation 2019/103. This regulation amends Regulation 2015/1998 and most of its provisions apply from 1st February 2019; the remainder of its provisions will not apply until 31st December 2020. These Regulations deal with those provisions which apply from 1st February 2019 but not those provisions which do not form part of retained EU law. Regulation 2019/103 is revoked because Article 2 (applicability) would be both in force and applicable at exit day and therefore retained in domestic law, but it would be redundant (since the provisions to which it refers are not retained in domestic law).

Regulation 128 revokes Commission Decision C(2015) 8005. The contents of this Decision are not published. It prescribes requirements corresponding to the detailed requirements set out in Regulation 2015/1998 which if available in the public domain would compromise the efficacy of the security measures applied at airports etc. (e.g. the detailed specification of screening equipment).

Part 4 (regulation 129) amends Annex 13 to the EEA Agreement to remove redundant references.

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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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Aviation Security (Amendment etc.) (EU Exit) Regulations 2019 No. 547*