
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 3

Amendment of principal EU Regulations

CHAPTER 3

Amendment of Regulation (EU) No 996/2010

Regulation (EU) No 996/2010 (accident investigation)

34. Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents in civil aviation and repealing [Directive 94/65/EC](#) is amended in accordance with regulations 35 to 58.

Amendment of Article 1 of Regulation (EU) No 996/2010

35.—(1) Article 1 (subject matter) is amended as follows.

(2) In paragraph 1—

(a) in the first place it occurs, for “European” substitute “United Kingdom”;

(b) omit the words from “, including through” to “Safety Investigation Authorities”.

(3) Omit paragraph 2.

Amendment of Article 2 of Regulation (EU) No 996/2010

36.—(1) Article 2 (definitions) is amended as follows.

(2) In paragraph 2, for “a Member State” substitute “the Secretary of State”.

(3) In paragraph 11, for “staff of the national civil aviation authority; or staff of EASA” substitute “or staff of the CAA”.

(4) After paragraph 17 insert—

“(18) ‘the CAA’ means the Civil Aviation Authority;

(19) ‘third country’ means any country or territory other than the United Kingdom.”.

Amendment of Article 3 of Regulation (EU) No 996/2010

37.—(1) Article 3 (scope) is amended as follows.

(2) In paragraph 1—

(a) in point (a), for the words from “territories” to the end substitute “United Kingdom”;

(b) in point (b)—

- (i) in both places the words occur, for “a Member State” substitute “the United Kingdom”;
 - (ii) for “territories of the Member States to which the Treaties apply” substitute “United Kingdom”;
 - (c) in points (c) and (d), for “a Member State” substitute “the United Kingdom”.
- (3) In paragraph 3—
- (a) for “Member State concerned” substitute “Secretary of State”;
 - (b) for “national legislation” substitute “any other relevant enactment”.

Amendment of Article 4 of Regulation (EU) No 996/2010

- 38.**—(1) Article 4 (civil aviation safety investigation authority) is amended as follows.
- (2) In paragraph 1, for “Each Member State” substitute “The Secretary of State”.
 - (3) In paragraph 6—
 - (a) for the words from the beginning to “Member State” substitute “The Secretary of State must ensure that the safety investigation authority has”;
 - (b) in point (a), for “national” substitute “any other relevant”.

Amendment of Article 5 of Regulation (EU) No 996/2010

- 39.**—(1) Article 5 (obligation to investigate) is amended as follows.
- (2) In paragraph 1—
 - (a) after “Every accident or serious incident” insert “in the United Kingdom”;
 - (b) omit the words from “in the Member State” to the end.
 - (3) In paragraph 2—
 - (a) for “a Member State” substitute “the United Kingdom”;
 - (b) for “Member State of registration” substitute “United Kingdom”.
 - (4) In paragraph 4—
 - (a) at the start, for “Safety investigation authorities” substitute “The safety investigation authority”;
 - (b) for “the national legislation of the Member States, when they expect” substitute “any relevant enactment, when it expects”.

Amendment of Article 6 of Regulation (EU) No 996/2010

- 40.**—(1) Article 6 (cooperation between safety investigation authorities) is amended as follows.
- (2) For paragraph 1 substitute—

1. The safety investigation authority may request the assistance of safety investigation authorities from other states and may provide assistance to such authorities if requested.”
 - (3) At the start of paragraph 2, for “A” substitute “The”.

Amendment of Article 7 of Regulation (EU) No 996/2010

- 41.** Omit Article 7 (European network of civil aviation safety investigation authorities).

Amendment of Article 8 of Regulation (EU) No 996/2010

42.—(1) Article 8 (participation of EASA and national civil aviation authorities in safety investigations) is amended as follows.

- (2) In the heading, for “EASA and national civil aviation authorities” substitute “the CAA”.
- (3) In paragraph 1—
 - (a) for the words from the start to “to participate:” substitute—

“1. The CAA must, provided that the requirement of no conflict of interest is satisfied, appoint a representative to participate:”;
 - (b) in point (a), omit “, conducted in the territory of a Member State or”;
 - (c) in point (b), omit “of the Member States”.
- (4) In paragraph 3, for “EASA and the national civil aviation authorities” substitute “The CAA”.

Amendment of Article 9 of Regulation (EU) No 996/2010

43. In Article 9 (obligation to notify accidents and serious incidents), in paragraph 2—

- (a) omit “the Commission, EASA,”;
- (b) omit “, the Member States”.

Amendment of Article 10 of Regulation (EU) No 996/2010

44.—(1) Article 10 (participation of the Member States in safety investigations) is amended as follows.

- (2) In the heading, for “Member States” substitute “safety investigation authority”.
- (3) In paragraph 1, for the first sentence substitute—

“Upon receipt of the notification of the occurrence of an accident or serious incident from another country, to the United Kingdom as the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the safety investigation authority must, as soon as possible, inform the country concerned whether the safety investigation authority intends to appoint an accredited representative in accordance with international standards and recommended practices.”.

- (4) Omit paragraph 2.

Amendment of Article 11 of Regulation (EU) No 996/2010

45. In Article 11 (status of safety investigators), in paragraph 2—

- (a) for “the legal acts of the Union or national” substitute “any relevant”;
- (b) in point (g) omit “EASA”.

Amendment of Article 12 of Regulation (EU) No 996/2010

46. In Article 12 (coordination of investigations), in paragraph 3—

- (a) in the first paragraph, for “Member States shall ensure that safety investigation authorities” substitute “The Secretary of State must ensure that the safety investigation authority”;
- (b) omit the last paragraph.

Amendment of Article 13 of Regulation (EU) No 996/2010

47. In Article 13 (preservation of evidence), in paragraph 1, for the words from the beginning to “occurred” substitute “Where the accident or serious incident occurred in the United Kingdom, the safety investigation authority”.

Amendment of Article 14 of Regulation (EU) No 996/2010

48.—(1) Article 14 (protection of sensitive safety information) is amended as follows.

(2) In paragraph 1, in point (e), omit “Member States or third”.

(3) In paragraph 3—

- (a) in the first subparagraph, omit the second sentence;
- (b) omit the second subparagraph.

Amendment of Article 15 of Regulation (EU) No 996/2010

49.—(1) Article 15 (communication of information) is amended as follows.

(2) In paragraph 1, for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.

(3) In paragraph 3—

- (a) in the first sentence for “EASA and national civil aviation authorities” substitute “the CAA”;
- (b) in the second sentence—
 - (i) for “EASA and the national civil aviation authorities” substitute “the CAA”;
 - (ii) for the words from “applicable” to the end substitute “any other relevant enactment”.

Amendment of Article 16 of Regulation (EU) No 996/2010

50.—(1) Article 16 (investigation report) is amended as follows.

(2) In paragraph 3—

- (a) omit “including EASA,”;
- (b) for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.

(3) In paragraph 4—

- (a) omit “including EASA,”;
- (b) for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.

(4) In paragraph 8 omit point (c).

Amendment of Article 17 of Regulation (EU) No 996/2010

51.—(1) Article 17 (safety recommendations) is amended as follows.

(2) In paragraph 1, omit “Member States or third”.

(3) In paragraph 2, at the start, for “A” substitute “The”.

Amendment of Article 18 of Regulation (EU) No 996/2010

52.—(1) Article 18 (follow-up to safety recommendations and safety recommendations database) is amended as follows.

- (2) In paragraph 3, for “Each” substitute “The”.
- (3) In paragraph 4, for the words from “, including” to “level,” substitute “and the CAA”.
- (4) Omit paragraph 5.

Amendment of Article 20 of Regulation (EU) No 996/2010

53.—(1) Article 20 (information on persons and dangerous goods on board) is amended as follows.

- (2) In paragraph 1—
 - (a) for “Union” substitute “United Kingdom”;
 - (b) for the words from “territories” to “apply” substitute “United Kingdom”.
- (3) In paragraph 2—
 - (a) omit “in charge”;
 - (b) for “each Member State” substitute “the Secretary of State”.
- (4) In paragraph 4, omit “the legal acts of the Union and”.

Amendment of Article 21 of Regulation (EU) No 996/2010

54.—(1) Article 21 (assistance to the victims of air accidents and their relatives) is amended as follows.

- (2) In paragraph 1—
 - (a) omit “and harmonised”;
 - (b) for “at EU level, each Member State” substitute “the Secretary of State”.
- (3) In paragraph 2—
 - (a) in the first sentence—
 - (i) at the start, for “Member States” substitute “The CAA”;
 - (ii) for “their territory” substitute “the United Kingdom”;
 - (b) in the third sentence—
 - (i) at the start, for “The Member States” substitute “The CAA”;
 - (ii) for “their territory” substitute “the United Kingdom”;
 - (c) in the fourth sentence—
 - (i) at the start, for “Member States” substitute “The Secretary of State”;
 - (ii) for “third-country airlines” substitute “airlines from other countries”;
 - (iii) for “Union” substitute “United Kingdom”.
- (4) In paragraph 3, for the words from “Member State” in the first place it occurs, to “accident” in the third place it occurs, substitute “Secretary of State”.
- (5) In paragraph 4—
 - (a) omit “Member State or”;
 - (b) for the words from “territories” to “apply” substitute “United Kingdom”.

Amendment of Article 22 of Regulation (EU) No 996/2010

55. In Article 22 (access to documents and protection of personal data)—
- (a) omit paragraph 1;
 - (b) in paragraph 2, for the words from “[Directive 95/46/EC](#)” to the end substitute “data protection legislation within the meaning of section 3(9) of the Data Protection Act [2018 \(c.12\)](#)”.

Amendment of Article 23 of Regulation (EU) No 996/2010

56. Omit Article 23 (penalties).

Amendment of Article 24 of Regulation (EU) No 996/2010

57. Omit Article 24 (amendment of the Regulation).

Further amendment of Regulation (EU) No 996/2010

58. After Article 26 (entry into force), omit the sentence which begins “This Regulation shall be binding”.