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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

PART 3

Amendment of principal EU Regulations

CHAPTER 4

Amendment of Regulation (EU) No 376/2014

**Regulation (EU) No 376/2014 (occurrence reporting)**

**59.** Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing [Directive 2003/42/EC](#) of the European Parliament and of the Council and Commission Regulations [\(EC\) No 1321/2007](#) and [\(EC\) No 1330/2007](#) is amended in accordance with regulations 60 to 81.

**Amendment of Article 1 of Regulation (EU) No 376/2014**

**60.** In Article 1 (objectives), in paragraph 1, in point (c), omit “at both Union level and national level”.

**Amendment of Article 2 of Regulation (EU) No 376/2014**

- 61.**—(1) Article 2 (definitions) is amended as follows.
- (2) Omit paragraphs 13 and 14.
  - (3) In paragraph 15, for “a Member State” substitute “the United Kingdom”.
  - (4) Omit paragraphs 16 and 17.
  - (5) After paragraph 18 insert—  
“(19) ‘the CAA’ means the Civil Aviation Authority.”.

**Amendment of Article 3 of Regulation (EU) No 376/2014**

- 62.**—(1) Article 3 (subject matter and scope) is amended as follows.
- (2) In paragraph 1, omit point (e).
  - (3) In paragraph 2, in the last paragraph, for “Member States” substitute “The Secretary of State”.

**Amendment of Article 4 of Regulation (EU) No 376/2014**

- 63.**—(1) Article 4 (mandatory reporting) is amended as follows.
- (2) In paragraph 2, for “a Member State” substitute “the United Kingdom”.

- (3) In paragraph 3, for “Each Member State” substitute “The CAA”.
- (4) Omit paragraph 4.
- (5) In paragraph 5—
  - (a) in the first subparagraph—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) in both places the words occur, for “implementing acts” substitute “regulations”;
  - (b) in the second subparagraph—
    - (i) for “Commission” substitute “Secretary of State”;
    - (ii) for “implementing acts” substitute “regulations”.
- (6) In paragraph 6—
  - (a) in the introductory words, for the words from “Member State” to “Agency” substitute “CAA”;
  - (b) in point (a), in both places the words occur—
    - (i) for “a Member State” substitute “the United Kingdom”;
    - (ii) for “Union” substitute “United Kingdom”;
  - (c) in points (b) and (c), for “a Member State or of the Agency” substitute “the CAA”;
  - (d) in points (d) and (f), for “a Member State” substitute “the CAA”.
- (7) In paragraph 8—
  - (a) for “a Member State which is not covered by paragraph 9” substitute “the United Kingdom”;
  - (b) for “competent authority of that Member State, as referred to in Article 6(3),” substitute “the CAA”.
- (8) Omit paragraph 9.

#### **Amendment of Article 5 of Regulation (EU) No 376/2014**

- 64.**—(1) Article 5 (voluntary reporting) is amended as follows.
- (2) In paragraph 1, for “a Member State” substitute “the United Kingdom”.
  - (3) In paragraph 2, for “Each Member State” substitute “The CAA”.
  - (4) Omit paragraphs 3 and 5.
  - (5) In paragraph 6—
    - (a) for the words from “a Member State” to “Agency” substitute “the United Kingdom”;
    - (b) for the words from “competent authority” to “Article 6(3)” substitute “the CAA”;
    - (c) for “Member States” substitute “The CAA”;
    - (d) for “their territory” substitute “the United Kingdom”.
  - (6) In paragraph 7—
    - (a) for “Member States, the Agency” substitute “The CAA”;
    - (b) for “paragraphs 1, 2 and 3” substitute “paragraphs 1 and 2”;
    - (c) for “those set out in Article 6(3)” substitute “the CAA”.

#### **Amendment of Article 6 of Regulation (EU) No 376/2014**

- 65.**—(1) Article 6 (collection and storage of information) is amended as follows.

- (2) In paragraph 1, for “a Member State” substitute “the United Kingdom”.
- (3) In paragraph 2, for “competent authority” substitute “CAA”.
- (4) In paragraph 3—
  - (a) in the first subparagraph, for the words from “Each Member State” to “competent authorities to” substitute “The CAA must”;
  - (b) omit the third and fourth subparagraphs.
- (5) Omit paragraph 4.
- (6) In paragraph 6, for “competent authorities referred to in paragraph 3” substitute “the CAA”.
- (7) Omit paragraph 8.
- (8) In paragraph 9—
  - (a) for “Safety investigation authorities” substitute “The safety investigation authority”;
  - (b) for “their respective” substitute “the”;
  - (c) after “discharging” for “their” substitute “its”.
- (9) For paragraph 10 substitute—

“10. The CAA is to have full access to the national database referred to in paragraph 6 for the purposes of its safety-related responsibilities.”

#### **Amendment of Article 7 of Regulation (EU) No 376/2014**

- 66.**—(1) Article 7 (quality and content of occurrence reports) is amended as follows.
- (2) In paragraph 3, for “Organisations, Member States and the Agency” substitute “Organisations and the CAA”.
  - (3) In paragraph 4—
    - (a) for “paragraphs 5, 6 and 8” substitute “paragraphs 5 and 6”;
    - (b) in point (b), omit “the ECCAIRS software and”.
  - (4) For paragraph 5 substitute—

“5. The CAA must develop a risk classification scheme to enable organisations and the CAA to classify occurrences in terms of safety risk. In so doing, the CAA must take into account the need for compatibility with existing risk classification schemes.”
  - (5) Omit paragraphs 6, 7 and 8.

#### **Amendment of Articles 8 to 12 of Regulation (EU) No 376/2014**

- 67.** Omit the following—
- (a) Article 8 (European Central Repository);
  - (b) Article 9 (exchange of Information);
  - (c) Article 10 (dissemination of information stored in the European Central Repository);
  - (d) Article 11 (processing of requests and decisions);
  - (e) Article 12 (record of requests and exchange of information).

#### **Amendment of Article 13 of Regulation (EU) No 376/2014**

- 68.**—(1) Article 13 (occurrence analysis and follow-up at national level) is amended as follows.
- (2) In the heading, omit “at national level”.

- (3) In paragraphs 1, 2 and 3, in each place it occurs, for “a Member State” substitute “the United Kingdom”.
- (4) In paragraph 4—
- (a) in the first sentence—
    - (i) for the words from “a Member State” to “paragraph 5” substitute “the United Kingdom”;
    - (ii) for “the competent authority of that Member State” substitute “the CAA”;
  - (b) in the last paragraph, for “A competent authority of a Member State” substitute “The CAA”.
- (5) Omit paragraph 5.
- (6) In paragraph 6—
- (a) for “Each Member State and the Agency” substitute “The CAA”;
  - (b) for “Articles 4(6), 5(2) and 5(3) substitute “Articles 4(6) and 5(2)”.
- (7) In paragraph 7, for “a Member State or the Agency” substitute “the CAA”.
- (8) In paragraph 8—
- (a) for “each Member State and the Agency” substitute “the CAA”;
  - (b) for “a Member State and the Agency” substitute “the CAA”.
- (9) Omit paragraph 9.
- (10) In paragraph 10, for “Member States” substitute “The Secretary of State and the CAA”.
- (11) In paragraph 11, for “each Member State” substitute “the CAA”.
- (12) In paragraph 12, for “Member States” substitute “The CAA”.

#### **Amendment of Article 14 of Regulation (EU) No 376/2014**

- 69.** Omit Article 14 (occurrence analysis and follow up at Union level).

#### **Amendment of Article 15 of Regulation (EU) No 376/2014**

- 70.**—(1) Article 15 (confidentiality and appropriate use of information) is amended as follows.
- (2) In paragraph 1—
- (a) in the first subparagraph—
    - (i) at the start, for “Member States” substitute “The CAA”;
    - (ii) omit “their”;
    - (iii) omit “and the Agency”;
    - (iv) for “Articles 4, 5 and 10” substitute “Articles 4 and 5”;
  - (b) in the second subparagraph—
    - (i) at the start, for “Each Member State,” substitute “The CAA and”;
    - (ii) for “a Member State, or the Agency” substitute “the United Kingdom”;
    - (iii) for the words from “national legal acts” to the end substitute “data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018 (c.12)”.
- (3) In paragraph 2, in the second paragraph, for “Member States, the Agency” substitute “The CAA”.

- (4) Omit paragraph 3.
- (5) In paragraph 4—
  - (a) for the words from the start to “Article 6(3) and their” substitute “The CAA and”;
  - (b) after “administration of justice” insert “must”.

#### **Amendment of Article 16 of Regulation (EU) No 376/2014**

- 71.**—(1) Article 16 (protection of the information source) is amended as follows.
- (2) In paragraph 2, for “a Member State” substitute “the United Kingdom”.
  - (3) In paragraph 3, for “Each Member State” substitute “the CAA”.
  - (4) Omit paragraph 4.
  - (5) In paragraph 5, at the start, for “Member States and the Agency” substitute “The CAA”.
  - (6) In paragraph 6—
    - (a) in the first subparagraph—
      - (i) for “Member States” substitute “the CAA”;
      - (ii) for “their attention” substitute “its attention”;
    - (b) in the second subparagraph—
      - (i) in the first place it occurs, for “Member States” substitute “The Secretary of State”;
      - (ii) in the second place it occurs, for “Member States” substitute “The Secretary of State and the CAA”.
  - (7) In paragraph 7—
    - (a) in the first subparagraph omit “under national law”;
    - (b) in the last subparagraph, in both places it occurs, for “Member States” substitute “The Secretary of State”.
  - (8) In paragraph 8, for “Member States” substitute “The Secretary of State”.
  - (9) In paragraph 11—
    - (a) in the first subparagraph, for “a Member State” substitute “the United Kingdom”;
    - (b) in the second subparagraph—
      - (i) for “body designated pursuant to paragraph 12” substitute “CAA”;
      - (ii) for “its Member State” substitute “the United Kingdom”.
  - (10) In paragraph 12—
    - (a) in the first subparagraph, at the start, for “Each Member State shall designate a body” substitute “The CAA is”;
    - (b) in the second subparagraph—
      - (i) for “that body” substitute “the CAA”;
      - (ii) omit the last sentence;
    - (c) omit the third subparagraph.
  - (11) Omit paragraph 13.

#### **Amendment of Article 17 of Regulation (EU) No 376/2014**

- 72.**—(1) Article 17 (updating of the annexes) is amended as follows.
- (2) In the heading, for “annexes” substitute “annex”.

- (3) In the first paragraph—
- (a) for the words from the start to “Article 18” substitute “The Secretary of State may make regulations”;
  - (b) omit point (b);
  - (c) in point (c)—
    - (i) for “any of the Annexes” substitute “Annex 1”;
    - (ii) omit “the ECCAIRS software and”;
    - (iii) for “Union” substitute “Secretary of State”.
- (4) In the last paragraph—
- (a) for the words from “Agency” to “Article 14(2)” substitute “CAA”;
  - (b) for “Commission” substitute “Secretary of State”.

**Amendment of Article 18 of Regulation (EU) No 376/2014**

73. Omit Article 18 (exercise of the delegation).

**Amendment of Article 19 of Regulation (EU) No 376/2014**

74. For Article 19 substitute—

*“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 this Regulation are to be subject to annulment in pursuance of a resolution of either House of Parliament.
3. 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.”.

**Amendment of Article 20 of Regulation (EU) No 376/2014**

75. In Article 20 (access to documents and protection of personal data)—
- (a) omit paragraph 1;
  - (b) in paragraph 2, for the words from “national legal acts” 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 21 of Regulation (EU) No 376/2014**

76. Omit Article 21 (penalties).

**Amendment of Article 24 of Regulation (EU) No 376/2014**

- 77.—(1) Article 24 (entry into force and application) is amended as follows.
- (2) Omit paragraph 2.

- (3) In paragraph 3, omit the second sentence.

#### **Further amendment of Regulation (EU) No 376/2014**

**78.** After Article 24 (entry into force and application), omit the sentence which begins “This Regulation shall be binding”.

#### **Amendment of Annex 1 to Regulation (EU) No 376/2014**

**79.**—(1) Annex 1 (list of requirements applicable to the mandatory and voluntary occurrence reporting schemes) is amended as follows.

(2) In the paragraph commencing “Note:”, for the words from “competent authorities” to “Agency” substitute “CAA”.

(3) In paragraph 1—

(a) in the first sentence, for “, Member States and the Agency” substitute “and the CAA”;

(b) in point (6)—

(i) omit the first indent;

(ii) in the second indent, after “Narrative” insert “(in English)”.

(4) In paragraph 2, in each place the words occur, for “, Member States and the Agency” substitute “and the CAA”.

#### **Amendment of Annex 2 to Regulation (EU) No 376/2014**

**80.** Omit Annex 2 (interested parties).

#### **Amendment of Annex 3 to Regulation (EU) No 376/2014**

**81.** Omit Annex 3 (request for information from the European Central Repository).