

---

DRAFT STATUTORY INSTRUMENTS

---

**2019 No.**

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

**PART 3**

Amendment of principal EU Regulations

CHAPTER 5

Amendment of Regulation (EU) No 2018/1139

*SECTION 1*

*Principles – Chapter 1 of Regulation (EU) No 2018/1139*

**Amendment of Article 1 of Regulation (EU) No 2018/1139**

**83.**—(1) Article 1 (subject matter and objectives) is amended as follows.

(2) In paragraph 1—

- (a) omit “uniform”;
- (b) for “Union” substitute “United Kingdom”.

(3) In paragraph 2—

- (a) in point (a), for “Union” substitute “United Kingdom”;
- (b) for point (b) substitute—
  - “(b) provide a level playing field for all actors in the United Kingdom aviation market, and improve the competitiveness of the United Kingdom’s aviation industry”;
- (c) in point (c), omit “, uniform”;
- (d) in point (e), omit “Union and”;
- (e) in point (f), omit “uniform”;
- (f) in point (g)—
  - (i) for “Member States” substitute “the United Kingdom”;
  - (ii) for “exercising their rights and fulfilling their obligations” substitute “exercising its rights and fulfilling its obligations”;
  - (iii) omit the words from “, by ensuring” to the end;
- (g) omit point (h).

(4) In paragraph 3—

- (a) in point (a)—
  - (i) for “adoption” substitute “making”;

- (ii) omit “uniform”;
- (iii) for “acts” substitute “regulations”;
- (b) omit point (c);
- (c) in point (d), for “delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
- (d) omit point (e);
- (e) in point (f)—
  - (i) omit “uniform”;
  - (ii) for “the national competent authorities and the Agency” substitute “the Secretary of State and the CAA”.

#### **Amendment of Article 2 of Regulation (EU) No 2018/1139**

**84.**—(1) Article 2 (scope) is amended as follows.

(2) In paragraph 1—

- (a) in point (a), for “the Agency or a Member State” substitute “the CAA”;
- (b) in point (b)—
  - (i) in point (i)—
    - (aa) for “a Member State” substitute “the United Kingdom”;
    - (bb) for “the Member State” substitute “the United Kingdom”;
  - (ii) in point (ii) for “territory to which the Treaties apply” substitute “United Kingdom”;
  - (iii) in point (iii)—
    - (aa) for “a Member State” substitute “the United Kingdom”;
    - (bb) for “territory to which the Treaties apply” substitute “United Kingdom”;
    - (cc) for “that territory” substitute “the United Kingdom”;
- (c) in points (c) and (e), for “territory to which the Treaties apply” substitute “United Kingdom”;
- (d) in point (f), omit “Union and”;
- (e) in point (g), for “the Single European Sky” substitute “United Kingdom”;
- (f) for point (h), substitute “the design of airspace structures”.

(3) In paragraph 3—

- (a) in point (a), for “a Member State” substitute “the United Kingdom”;
- (b) below point (d)—
  - (i) in the subparagraph commencing “As regards”—
    - (aa) in the first place it occurs, for “Member States” substitute “the CAA in relation to civil aviation, and the Secretary of State in relation to military aviation”;
    - (bb) in the second place it occurs, for “Member States” substitute “The CAA or the Secretary of State (as the case may be)”;
  - (c) omit the subparagraph commencing “Without prejudice”.

(4) In paragraph 4—

- (a) in the first subparagraph, for “delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
  - (b) in point (a), in both places it occurs, for “Agency” substitute “CAA”;
  - (c) in point (c), for the words from “accordance with” to the end substitute “the United Kingdom”;
  - (d) after point (c), in the subparagraph commencing “This Regulation”—
    - (i) for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
    - (ii) for “Agency” substitute “CAA”.
- (5) In paragraph 5, for the words from “and Article 7(5)” to “Member States” substitute “the Secretary of State”.
- (6) In paragraph 6—
- (a) in the first subparagraph—
    - (i) for “A Member State” substitute “The Secretary of State”;
    - (ii) for “where it considers” substitute “where the Secretary of State considers”;
  - (b) in the third subparagraph—
    - (i) for “Member State concerned” substitute “Secretary of State”;
    - (ii) for “the Commission and the Agency” substitute “the CAA”;
    - (iii) for “its decision” substitute “a decision”;
    - (iv) for “provide them” substitute “provide the CAA”;
    - (v) in point (c), for “its decision” substitute “the decision”;
  - (c) omit the fourth subparagraph;
  - (d) in the fifth subparagraph—
    - (i) for the words from the start to “Member State” substitute “The Secretary of State”;
    - (ii) omit the words from “In such cases” to the end;
  - (e) omit the sixth and seventh subparagraphs.
- (7) In paragraph 7—
- (a) in the first subparagraph—
    - (i) at the start, for “Member States” substitute “The CAA”;
    - (ii) omit “Member States concerned ensure that”;
  - (b) in the second subparagraph, for “delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
  - (c) omit the third, fourth and fifth subparagraphs;
  - (d) in the sixth subparagraph—
    - (i) at the start, for “Member States” substitute “The CAA”;
    - (ii) for “they have exempted” substitute “it has exempted”;
    - (iii) for “the Member State concerned” substitute “the CAA”;
    - (iv) omit the words from “In that case” to the end;
  - (e) omit the seventh subparagraph.
- (8) In paragraph 8—
- (a) at the start for “A Member State” substitute “The CAA”;

- (b) in points (a), (b) and (c), for “Member State” substitute “CAA”;
  - (c) below point (iii), in the subparagraph commencing “However”, for “Member States” substitute “the CAA”.
- (9) In paragraph 9—
- (a) for “a Member State” substitute “the CAA”;
  - (b) for “the territory of that Member State” substitute “the United Kingdom”;
  - (c) for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
  - (d) for “Member State concerned” substitute “CAA”;
  - (e) in the last place it occurs, for “Member State” substitute “CAA”.
- (10) In paragraph 10—
- (a) omit the first subparagraph;
  - (b) in the second subparagraph, for the words from “the national law” to the end substitute “the Air Navigation Order 2016”.
- (11) In paragraph 11—
- (a) in the first subparagraph—
    - (i) for the words from “provisions” to “paragraph 8” substitute “enactment”;
    - (ii) for “that decision” substitute “an exemption decision under paragraph 8”;
  - (b) omit the second subparagraph;
  - (c) in the third subparagraph—
    - (i) for “A Member State” substitute “The CAA”;
    - (ii) omit the second sentence;
  - (d) omit the fourth subparagraph;
  - (e) in the fifth subparagraph, for “a Member State” substitute “the CAA”.

### **Amendment of Article 3 of Regulation (EU) No 2018/1139**

- 85.**—(1) Article 3 (definitions) is amended as follows.
- (2) In point (1) (“oversight”)—
    - (a) for “competent authority” substitute “CAA”;
    - (b) for the words from “the delegated” to “basis thereof” substitute “regulations made under it”.
  - (3) Omit point (8) (‘ATM Master Plan’).
  - (4) In point (9) (‘certification’), for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”.
  - (5) In point (10) (‘declaration’), for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”.
  - (6) In point (11) (‘qualified entity’), for “Agency or a national competent authority” substitute “CAA”.
  - (7) After point (13) (‘aircraft operator’) insert—
    - “(13a) ‘UK operator’ means any aircraft operator established, residing or with a principal place of business in the United Kingdom;”.

(8) In point (25) ('safety performance'), for "Union's, a Member State's" substitute "United Kingdom's".

(9) Omit point (33) ('Single European Sky airspace').

(10) For point (34) ('national competent authority') substitute—

“(34) “‘the CAA’ means the Civil Aviation Authority;”.

(11) After point (34) insert—

“(35) “‘third country’ means any country or territory other than the United Kingdom, except that British overseas territories, and the Channel Islands and the Isle of Man, are not within the meaning of third country for the purposes of [Commission Regulation \(EU\) No 452/2014](#) of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) [No 216/2008](#) of the European Parliament and of the Council.”

#### **Amendment of Article 4 of Regulation (EU) No 2018/1139**

**86.**—(1) Article 4 (principles for measures under this Regulation) is amended as follows.

(2) In paragraph 1—

(a) for “the Commission, the Agency and the Member States” substitute “the Secretary of State and the CAA”;

(b) omit point (f);

(c) in point (h), for “Union and of the Member States” substitute “United Kingdom”.

(3) In paragraph 2, for “the Commission, the Agency and the Member States,” substitute “the Secretary of State and the CAA”.