

2022 No. 1235

CIVIL AVIATION

**The Aviation Safety and Air Traffic Management (Amendment)
Regulations 2022**

<i>Made</i>	- - - -	<i>28th November 2022</i>
<i>Laid before Parliament</i>		<i>30th November 2022</i>
<i>Coming into force</i>		
<i>Regulations 3, 4 and 5</i>		<i>23rd March 2023</i>
<i>Remainder</i>		<i>23rd December 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 31(1), 32(1), 43(1), 57(a), 58(1)(c), 62(14), 68(3) and 127(3)(b) and (c) of Regulation (EU) 2018/1139 of the European Parliament of the Council of 4 July 2018 on common rules in the field of civil aviation^(a) and Article 4(1) of Regulation (EC) No 551/2004 of 10 March 2004 on the organisation and use of the airspace in the single European sky^(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Aviation Safety and Air Traffic Management (Amendment) Regulations 2022.

(2) Subject to paragraph (3), these Regulations come into force on 23rd December 2022.

(3) Regulations 3, 4, and 5 come into force on 23rd March 2023.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of Commission Regulation (EU) No 748/2012 (initial airworthiness)

2.—(1) Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations^(c), is amended as follows.

(2) In Article 9 (production organisations), for paragraph 2 substitute—

“2. By way of derogation from paragraph 1, a manufacturer may demonstrate its capability as follows:

(a) EUR 2018/1139, amended by S.I. 2019/645 and 2022/637.

(b) EUR 2004/551, amended by S.I. 2019/459.

(c) EUR 2012/748, amended by S.I. 2019/645 and 2020/1116.

- (a) where a manufacturer’s principal place of business is in a State other than the United Kingdom, by holding a certificate issued by that State for the product, part and appliance for which it applies, provided:
 - (i) that State is the State of manufacture, and
 - (ii) the CAA has determined that the system of that State includes the same independent level of checking compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State; or
- (b) where a manufacturer’s principal place of business is in a State other than the United Kingdom or a Member State, by holding a production organisation approval for either or both part and appliance issued by the Agency, provided:
 - (i) either or both the part and appliance is of a type which is incorporated into a product produced by a manufacturer in the European Union which holds a certificate issued by the Agency, or a Member State, for that product, and
 - (ii) the production certificate for the product is recognised under Article 21 of Annex 30 to the Trade and Cooperation Agreement of 30th December 2020 between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part(a).”.

Amendment of Commission Implementing Regulation (EU) No 923/2012 (common rules of the air)

3. Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation(b) is amended in accordance with regulations 4 and 5.

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

(2) After paragraph 61 (‘control zone’) insert—

“61A. ‘critical area’ means an area of defined dimensions extending around the ground equipment of a precision instrument approach within which the presence of vehicles or aircraft will cause unacceptable disturbance of the guidance signals;”.

(3) After paragraph 118 (‘secondary surveillance radar (SSR)’) insert—

“118A. ‘sensitive area’ means an area extending beyond the critical area within which the parking or movement, or both parking and movement, of aircraft or vehicles will affect the guidance signal to the extent that it may be rendered as an unacceptable disturbance to aircraft using the signal;”.

5.—(1) Annex 1 (rules of the air) is amended as follows.

(2) In Section 3 (general rules and collision avoidance), Chapter 2 (avoidance of collisions), in the entry for SERA.3210 (right of way)—

(a) in point (d)(4)(ii)(A), for “ILS/MLS sensitive area(s) when Category II or Category III precision instrument operations are in progress” substitute “critical and sensitive areas around radio navigational aids”;

(b) in point (d)(4)(ii)(B), for “minimum separation between” substitute “methods to separate”;

(c) in point (d)(4)(iv)(A), for “, taxiing or being towed” substitute “or taxiing”.

(3) In Section 8 (air traffic control service), in the entry for SERA.8015 (air traffic control clearances), for point (eb)(3) substitute—

(a) CP 426, Treaty Series No. 8 (2021), ISBN 978-1-5286-2546-3.

(b) EUR 2012/2012, amended by S.I. 2019/459 and 2021/10.

“(3) Except when it is known that the aircraft has already received the information in a directed transmission, a QNH altimeter setting shall be included in:

- (i) the descent clearance, when first cleared to an altitude below the transition level;
- (ii) the approach clearance or the clearance to enter the traffic circuit;
- (iii) the taxi clearance for departing aircraft.”.

(4) In Section 9 (flight information service), in the entry for SERA.9005 (scope of flight information service)—

- (a) in point (a), omit “and of any other information likely to affect safety.”;
- (b) after point (a)(6), insert—

“(7) information on abnormal aircraft configuration and condition;

(8) information on space weather phenomena that:

- (i) have an impact on high frequency radio communications, communications via satellite, GNSS-based navigation and surveillance systems;
- (ii) pose a radiation risk to aircraft occupants at flight levels; and

(9) any other information likely to affect safety.”;

- (c) at the end of point (b)(3) insert—

“; and

(4) messages, including clearances, received from other air traffic services units to relay to aircraft”.

(5) In Section 12 (services related to meteorology etc.), in the entry for SERA.12005 (special aircraft observations), at the end of point (a)(8) insert—

“; or

(9) the runway braking action encountered is not as good as reported”.

(6) In Section 14 (voice communication procedures), in the entry for SERA.14065 (radiotelephony procedures for air-ground voice communication channel changeover)—

- (a) in point (a)(2), for “call sign and, for aircraft in the heavy wake turbulence category, the word ‘Heavy’ or ‘Super’” substitute “call sign and, for aircraft in the SUPER or HEAVY wake turbulence category, the word ‘super’ or ‘heavy’ respectively,”;
- (b) in point (c)(2), for “call sign and, for aircraft in the heavy wake turbulence category, the word ‘Heavy’ or ‘Super’” substitute “call sign and, for aircraft in the SUPER or HEAVY wake turbulence category, the word ‘super’ or ‘heavy’ respectively,”.

Amendment of Commission Regulation (EU) No 965/2012 (air operations)

6. Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(a) is amended in accordance with regulations 7 and 8.

7.—(1) Annex 4 (commercial air transport operations) is amended as follows.

(2) In Subpart A (general requirements), in Section 1 (motor powered aircraft), in point CAT.GEN.MPA.210—

- (a) at the beginning, for “The” substitute “From 1 January 2025, the”;
- (b) in points (1) and (2), for “2023” substitute “2024”.

8.—(1) Annex 5 (specific approvals) is amended as follows.

(2) In Subpart J (helicopter emergency medical service operations)—

(a) EUR 2012/965, amended by S.I. 2019/645, 2020/1116, 2021/614 and 2021/1203.

- (a) after point SPA.HEMS.100, insert—

“SPA.HEMS.105 Night operations to HEMS operating sites

Night operations to HEMS operating sites shall only be conducted when a CAA approved HEMS operator holds, and operates under the terms of, an NVIS approval issued to the operator in accordance with SPA.NVIS.100.”;

- (b) for point SPA.HEMS.110, substitute—

“SPA.HEMS.110 Equipment requirements for HEMS operations

(a) The installation of all helicopter dedicated medical equipment, any subsequent modifications to it and, where appropriate, its operation shall be approved in accordance with Regulation (EU) No. 748/2012.

(b) For night operations, the helicopter shall be equipped with a suitable means of illumination to enable the flight crew to:

(1) identify the landing area whilst in flight, to determine the landing direction, to make a safe approach and landing or to go around when operating at a site without suitable ground and obstruction lighting; and

(2) make a safe take-off.”;

- (c) in point SPA.HEMS.130(e)(2)(ii), after “pilot” insert “holding a valid instrument rating in accordance with Regulation (EU) No. 1178/2011(a), Annex I, Part-FCL, Subpart G, FCL.625IR and a valid operator proficiency check in accordance with Annex III, Part-ORO, Subpart FC, ORO.FC.230(b)”;

- (3) In Subpart K (helicopter offshore operations), for point SPA.HOFO.160(c) substitute—

“(c) *Helicopter terrain awareness warning system (HTAWS)*

(i) Helicopters used in CAT operations with a maximum certificated take-off mass of more than 3175 kg or a MOPSC of more than 9 and first issued with an individual C of A after 31 December 2018 shall be equipped with an HTAWS that provides classic mode functionality and meets an acceptable standard.

(ii) From 1 January 2025, helicopters used in CAT operations with a maximum certificated take-off mass of more than 3175 kg or a MOPSC of more than 9 and first issued with an individual C of A after 31 December 1999 shall be equipped with an HTAWS configured for offshore operations as specified in an acceptable standard.”.

Amendment of Commission Regulation (EU) No 1321/2014 (continuing airworthiness)

9.—(1) Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks(b) is amended as follows.

(2) In Article 4 (approvals for organisations involved in the continuing airworthiness of aircraft), after paragraph 1 insert—

“1A. By way of derogation from paragraph 1, organisations involved in the maintenance of components for installation in aircraft, whose principal place of business is in a third country, may demonstrate its capability by holding a maintenance organisation approval certificate, complete with the appropriate rating and limitation, issued by that State for the part and appliance for which it applies, provided:

(a) that State is the State in which maintenance of the component is undertaken; and

(a) EUR 2011/1178, amended by S.I. 2019/645, 2020/1116 and 2021/1203. There are other amendments not relevant to this instrument.

(b) EUR 2014/1321, amended by S.I. 2019/645 and 2020/1116. There are other amendments not relevant to this instrument.

- (b) the CAA has determined that the system of that State includes the same independent level of checking compliance as provided by this Regulation, either through an equivalent system of approvals of organisations or through direct involvement of the competent authority of that State.”.

Amendment of Commission Delegated Regulation (EU) 2019/945 (unmanned aircraft systems)

10.—(1) Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems^(a) is amended as follows.

- (2) In Article 3 (definitions), omit paragraph 42.
(3) In Article 3A (designated standards), omit paragraph 5.
(4) Omit Article 42A (post-implementation period continuity provision).

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

11.—(1) Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft^(b) is amended as follows.

- (2) In Article 20 (particular provisions concerning the use of certain UAS in the ‘open’ category), for “1 January 2023” substitute “1 January 2026”.
(3) Omit Article 21 (adaptation of authorisations and certificates).
(4) In Article 22 (further provisions concerning the use of certain UAS in the ‘open’ category)—
(a) after “Article 20,” insert “before 1 January 2026”;
(b) omit “for a transitional period of 30 months starting one year after the date of entry into force of this Regulation”.

Signed by authority of the Secretary of State for Transport

28th November 2022

Vere
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in the field of aviation safety and air traffic management using powers conferred by Regulation (EU) 2018/1139 of 4 July 2018 on common rules in the field of civil aviation and by Regulation (EC) No 551/2004 of 10 March 2004 on the organisation and use of the airspace in the single European sky.

Regulation 2 amends Commission Regulation (EU) No 748/2012 (initial airworthiness) to allow the Civil Aviation Authority (“CAA”) to recognise approvals given by the European Union Aviation Safety Agency to production organisations outside the EU.

Regulations 3 to 5 amend Commission Implementing Regulation (EU) No 923/2012 (common rules of the air) to make changes to reflect current International Civil Aviation Organization

(a) EUR 2019/945, amended by S.I. 2020/1593.

(b) EUR 2019/947, amended by S.I. 2020/1593, 2021/10, 2021/1203 and 2022/637.

("ICAO") standards, practices and procedures for air navigation services; to introduce new definitions and to amend specific Rules of the Air.

Regulations 6 to 8 amend Commission Regulation (EU) 965/2012 (air operations) to make a number of changes: to postpone a date for implementation of requirements related to aircraft in distress following an ICAO Directive (regulation 7); to include requirements in the legislation which were previously introduced by the CAA under Safety Directive SD-2014/003 relating to helicopter emergency medical services and night operations (regulation 8(2)) and to change requirements in relation to helicopters that are both over a certain size and involved in offshore operations to be fitted with a Helicopter Terrain Awareness and Warning System and to meet new standards (regulation 8(3)). Helicopters subject to the current requirements will be required to comply immediately; others will be required to comply from 1st January 2025.

Regulation 9 amends Commission Regulation (EU) No 1321/2014 (continuing airworthiness) to allow the CAA to recognise approvals given to third country maintenance organisations by their home country if equivalent safety standards are applied.

Regulation 10 amends Commission Delegated Regulation (EU) 2019/945 (unmanned aircraft systems) to remove provisions which provide for technical standards adopted by the European Commission and unmanned aircraft marked with the European 'CE' marking to be recognised under UK law until such time as the Secretary of State has exercised the power to designate standards in the UK.

Regulation 11 amends Commission Implementing Regulation (EU) 2019/947 (operation of unmanned aircraft) to extend the period in which certain unmanned aircraft, which do not comply with Chapter 2 of Commission Delegated Regulation (EU) 2019/945, can continue to be operated, subject to the conditions set out in the amended provisions and to remove a redundant transitional provision.

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. In relation to the amendments to Commission Regulation (EU) No 965/2012 at regulation 8(3) and Commission Regulations (EU) No 2019/945 and 2019/947 a de minimis assessment has been prepared as the net impact is estimated to be below £5 million per year. An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk.

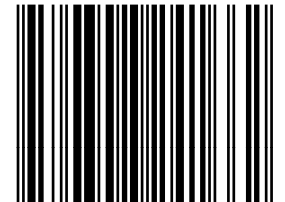
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