

2006 No. 3104

CIVIL AVIATION

**The Single European Sky (Functions of the National
Supervisory Authority) Regulations 2006**

<i>Made</i>	- - - -	<i>21st November 2006</i>
<i>Laid before Parliament</i>		<i>24th November 2006</i>
<i>Coming into force</i>	- -	<i>21st December 2006</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

He has been designated(b) for the purposes of section 2(2) in relation to air transport.

Citation, commencement and interpretation

1. These Regulations may be cited as the Single European Sky (Functions of the National Supervisory Authority) Regulations 2006 and shall come into force on 21st December 2006.

2. In these Regulations—

“air navigation services”, “air navigation service providers”, “air traffic services” and “meteorological services” have the same meaning as in Article 2 of Regulation (EC) No. 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky(c);

“the airspace Regulation” means Regulation (EC) No. 551/2004 of the European Parliament and of the Council on the organisation and use of the airspace in the single European sky(d);

“the CAA” means the Civil Aviation Authority; and

“the service provision Regulation” means Regulation (EC) No. 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky(e).

Designation of the competent authority

3. The CAA shall be the competent authority for the purposes of article 12(4) of the service provision Regulation.

(a) 1972 c. 68
(b) S.I. 1993/2661
(c) O.J. L 96, 31.3.2004, p 1
(d) O.J. L 96, 31.3.2004, p 10
(e) O.J. L 96, 31.3.2004, p 20

Functions of the CAA under the service provision Regulation

4. The CAA shall perform the functions listed in the second column of the Table below required by the articles of the service provision Regulation listed in the first column of the Table.

Table

<i>Service provision Regulation</i>	<i>Function</i>
Articles 8(1), 8(2) and 8(3) Article 8(5)	Designation of air traffic service providers Informing the Commission and other member States of any designation under Articles 8(1), 8(2) and 8(3)
Article 9(1) Article 9(2)	Designation of meteorological service providers Informing the Commission and other member States of any designation of a meteorological service provider under Article 9(1)
Article 10(3)	Approval of working relationships between air navigation service providers

Recognition of certificates

5. When performing its functions under the service provision Regulation the CAA shall recognise any certificate issued in accordance with Article 7 of that Regulation in any other member State.

Functions of the CAA under Article 6(3) of the airspace Regulation

6. The CAA shall approve the establishment or modification of routes and sectors in airspace for which the UK is responsible in accordance with Article 6(3) of the airspace Regulation.

Duty of the CAA when performing functions

7. Regulation 3 of the Single European Sky (National Supervisory Authority) Regulations 2004(a) shall apply to the performance by the CAA of the functions conferred by these Regulations as if the reference in that regulation to the tasks “to which regulation 2 applies” were a reference to the tasks to which these Regulations apply.

Signed by authority of the Secretary of State for Transport

Gillian Merron
Parliamentary Under Secretary of State for Transport
Department for Transport

21st November 2006

(a) S.I. 2004/1958

EXPLANATORY NOTE

(This note is not part of the Order)

The Single European Sky (National Supervisory Authority) Regulations 2004 (S.I. 2004/1958) (the 2004 Regulations) designated the Civil Aviation Authority (CAA) as the national supervisory authority for the purposes of performing the tasks assigned to such an authority under the measures listed in the Schedule to the 2004 Regulations. These Regulations confer on the CAA functions in addition to those tasks.

Regulation 3 specifies the CAA as the competent authority for the purpose of article 12(4) of Regulation (EC) No. 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (O.J. L 96, 31.3.2004, p 20). As such a competent authority the CAA shall have a right of access to the accounts of those providing air navigation services in UK airspace.

Regulation 4 confers on the CAA the functions of designating those providing, or those who wish to provide, air traffic services and meteorological services in the United Kingdom and its airspace. In addition, the CAA is to inform the European Commission and other member States of any designations of air traffic services or meteorological services it has made and to approve the working relationships between air navigation service providers. The functions to be performed by the CAA are those set out in Articles 8, 9 and 10 of Regulation (EC) No. 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (O.J. L 96, 31.3.2004, p 10) (“the service provision Regulation”).

Regulation 5 requires the CAA to recognise any certificate that has been issued by a member State to an air navigation service provider in accordance with Article 7 of the service provision Regulation.

Regulation 6 confers on the CAA the function of approving the establishment or modification of routes and sectors in upper airspace for which the UK is responsible.

By virtue of Regulation 7, when performing the functions conferred on it by these Regulations the CAA is subject to Regulation 3 of the 2004 Regulations, which requires the CAA to comply with article 4(2) of Regulation (EC) No. 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (O.J. L 96, 31.3.2004, p 1).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1459 11/2006 161459T 19585