
STATUTORY INSTRUMENTS

2019 No. 276

**The Airports Slot Allocation
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendment of retained direct EU legislation

Amendment of Annex 13 to the EEA Agreement

3. In Annex 13 (transport) to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 so far as that Annex forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, omit paragraph 64b.

Amendment of Council Regulation (EEC) No 95/93

4. Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports is amended as follows.

5. In the title for “Community” substitute “United Kingdom”.

6. In Article 1 (scope)—

- (a) in paragraph 1, for “Community airports” substitute “airports in the United Kingdom”;
- (b) omit paragraphs 2 and 3.

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

(2) In point (b) (definition of “new entrant”), in point (ii), for “Community airports” substitute “airports in the United Kingdom, or between an airport in the United Kingdom and an airport in an EEA state,”.

(3) For point (e) (definition of “Community air carrier”), substitute—

- “(e) ‘UK air carrier’ means an air carrier with a valid operating licence granted by the Civil Aviation Authority in accordance with Chapter II of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom;”.

(4) After that point insert—

“(ea) ‘qualifying air carrier’ means:

- (i) a UK air carrier, or
- (ii) any air carrier eligible to operate services on the route concerned under or by virtue of an agreement between the United Kingdom and another country;”.

8.—(1) Article 3 (conditions for airport coordination) is amended as follows.

(2) In paragraphs 1 and 2, for “A Member State”, in each place it occurs, substitute “The Secretary of State”.

- (3) In paragraph 3—
 - (a) in the first paragraph, for the words from the beginning to “six months:” substitute “Where an airport has no designation status, or is designated as schedules facilitated, a thorough capacity analysis must be carried out when the managing body of the airport considers it necessary, or within six months:”;
 - (b) in point (ii), for “Commission” substitute “Secretary of State”; and
 - (c) in the final paragraph, for “Commission” substitute “Secretary of State”.
 - (4) In paragraph 4, for “Member State” substitute “Secretary of State”.
 - (5) In paragraph 5, for “the Member State shall ensure that the airport is designated” substitute “the Secretary of State may designate an airport”.
 - (6) In paragraph 6, for “Member States” substitute “the Secretary of State”.
- 9.—**(1) Article 4 (the schedules facilitator and the coordinator) is amended as follows.
- (2) In paragraph 1, for the words from the beginning to “consulted” substitute “Before approving the appointment of a person as schedules facilitator or airport coordinator, the Secretary of State must consult”.
 - (3) Omit paragraph 2.
 - (4) In paragraph 3, for “Community law” substitute “the law of the United Kingdom, or of the relevant part of it”.
 - (5) In paragraph 6, for “Member States concerned and to the Commission” substitute “Secretary of State”.
 - (6) In paragraph 10, for “Community law” substitute “the law of the United Kingdom, or of the relevant part of it”.
- 10.—**(1) Article 5 (coordination committee) is amended as follows.
- (2) In paragraph 1—
 - (a) in the first paragraph, omit the first sentence;
 - (b) in point (a)—
 - (i) for “Member State” substitute “managing body of the airport”;
 - (ii) in the sixth indent, omit “, as provided for in Article 10(9)”;
 - (3) In paragraph 2, for “Member State representatives” substitute “The Secretary of State”.
 - (4) In paragraph 3, for “Member State concerned” substitute “managing body of the airport”.
- 11.—**(1) Article 6 (coordination parameters) is amended as follows.
- (2) In paragraph 1, for the words from the beginning to “taking” substitute “The determination of the parameters for slot allocation at a coordinated airport must take”.
 - (3) In paragraph 2, for “Member State” substitute “managing body of the airport”.
- 12.** In Article 8(5) (process of slot allocation)—
- (a) for “Community-wide” substitute “within Europe”;
 - (b) for “Member State”, in the first place it occurs, substitute “Secretary of State”;
 - (c) for “Community law” substitute “the law of the United Kingdom, or of the relevant part of it.”; and
 - (d) omit the final sentence.
- 13.** In Article 8b (exclusion of compensation claims)—

- (a) for “Community law, in particular in application of the rules of the Treaty relating to air transport” substitute “the law of the United Kingdom, or of the relevant part of it”; and
 - (b) omit “or to Articles 81 or 82 of the Treaty or [Council Regulation \(EEC\) No 4064/89](#) of 21 December 1989 on the control of concentrations between undertakings”.
- 14.**—(1) Article 9 (public service obligations) is amended as follows.
- (2) In paragraph 1—
 - (a) for “a Member State” substitute “the Secretary of State”;
 - (b) for “the Member State concerned does not issue a call for tenders” substitute “a call for tenders is not issued”.
 - (3) In paragraph 2, for “Community air carrier” substitute “qualifying air carrier”.
- 15.**—(1) Article 10 (slot pool) is amended as follows.
- (2) In paragraph 4—
 - (a) in point (a), third indent, for “Community airports” substitute “airports in the United Kingdom or EEA states”;
 - (b) in point (c) for “Community” substitute “UK”.
 - (3) Omit paragraph 5.
 - (4) Omit paragraph 9.
- 16.** In Article 11 (complaints and rights of appeal)—
 - (a) in paragraph 1, for “Member State responsible” substitute “Secretary of State”;
 - (b) omit paragraph 2.
- 17.**—(1) Article 12 (relations with third countries) is amended as follows.
- (2) In the heading, for “third countries” substitute “countries other than the United Kingdom”.
 - (3) In paragraph 1—
 - (a) for “a third country” substitute “a country other than the United Kingdom”;
 - (b) in points (a) and (b), for “Community”, in both places it occurs, substitute “UK”;
 - (c) in point (c)—
 - (i) omit “third”, and
 - (ii) for “Community” substitute “UK”;
 - (d) for “the Commission may, in accordance with the procedure referred to in Article 13(2), decide that a Member State or Member States shall” substitute “the Secretary of State may by regulations”;
 - (e) for “that third country” substitute “that country”;
 - (f) for “third country concerned” substitute “country concerned”.
 - (4) Omit paragraph 2.
- 18.** For Article 13 (committee procedure) substitute—

“Article 13

Regulations

1. The power to make regulations under this Regulation is exercisable by statutory instrument.

2. Regulations made under this Regulation are subject to annulment in pursuance of a resolution of either House of Parliament.
3. The power to make regulations under this Regulation—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas, and
 - (b) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.”
19. In Article 14, omit paragraph 5 (sanctions for misuse of slots).
20. Omit Article 14a (report and cooperation).
21. After Article 15 (entry into force), omit the sentence beginning “This Regulation shall”.