
STATUTORY INSTRUMENTS

2019 No. 278

**The Air Passenger Rights and Air Travel Organisers’
Licensing (Amendment) (EU Exit) Regulations 2019**

PART 4

Amendment of retained direct EU legislation

Amendment of Council Regulation (EC) No 2027/97

7.—(1) Council Regulation (EC) No 2027/97 of the Council of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air⁽¹⁾ is amended as follows.

(2) In Article 1, for “a single Member State” substitute “the United Kingdom”.

(3) In Article 2, in paragraph 1, for point (b) substitute—

“(b) “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) In Article 3—

(a) in paragraph 1, for “Community air carrier” substitute “UK air carrier”;

(b) omit paragraph 2.

(5) In Article 3a, for “Community air carrier” substitute “UK air carrier”.

(6) In Article 5—

(a) in paragraphs 1 and 3, for “Community air carrier” substitute “UK air carrier”;

(b) in paragraph 2, for “euro” substitute “sterling”.

(7) In Article 6—

(a) in paragraph 1—

(i) for “Community”, in the first place it occurs, substitute “United Kingdom”; and

(ii) for “Community air carriers” substitute “UK air carriers”;

(b) in paragraph 2, for “Community” substitute “United Kingdom”;

(c) in paragraph 3—

(i) for “Community air carriers” substitute “UK air carriers”;

(ii) for “Community air carrier” substitute “UK air carrier”;

(iii) for “non-Community air carriers” substitute “non-UK air carriers”; and

(iv) for “within the Community” substitute “within the United Kingdom”.

(1) As amended by Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents.

- (8) Omit Article 7 and the second paragraph of Article 8.
- (9) In the Annex—
- (a) in the first paragraph (air carrier liability for passengers and their baggage), for “Community air carriers” to the end, substitute “UK air carriers”;
 - (b) in the eleventh paragraph (basis for the information)—
 - (i) for “Community” substitute “United Kingdom in respect of UK air carriers”; and
 - (ii) omit “and national legislation of the Member States”.

Amendment of Regulation (EC) No 261/2004

8.—(1) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 is amended as follows.

- (2) In Article 1 (subject) omit paragraphs 2 and 3.
- (3) In Article 2 (definitions)—
- (a) for point (c), substitute—
 - “(c) ‘Community carrier’ means an air carrier with a valid operating licence granted by a Member State 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 Community as it has effect in EU law⁽²⁾”;
 - (b) in point (d), for “Article 2, point 2, of Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours” substitute “regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018”⁽³⁾;
 - (c) in point (e), for “Article 2, point 1, of Directive 90/314/EEC” substitute “regulation 2(5) of the Package Travel and Linked Travel Arrangements Regulations 2018”;
 - (d) after point (l) insert—
 - “(m) ‘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) In Article 3 (scope)—
- (a) in paragraph 1, in point (a), for “the territory of a Member State to which the Treaty applies” substitute “the United Kingdom”;
 - (b) for point (b) substitute—
 - “(b) to passengers departing from an airport located in a country other than the United Kingdom to an airport situated in—
 - (i) the United Kingdom if the operating air carrier of the flight concerned is a Community carrier or a UK air carrier; or
 - (ii) the territory of a Member State to which the Treaty applies if the operating air carrier of the flight concerned is a UK air carrier,
 unless the passengers received benefits or compensation and were given assistance in that other country.”;

(2) OJ L 293, 31.10.2008, p. 3.

(3) S.I. 2018/634.

- (c) in paragraph 6, for “[Directive 90/314/EEC](#)” substitute “the Package Travel and Linked Travel Arrangements Regulations 2018”.
- (5) In Article 6 (delay), in paragraph 1, in point (b), omit “intra-Community flights of more than 1500 kilometres and of all other”.
- (6) In Article 7 (right to compensation)—
 - (a) for paragraph 1 substitute—

“1. Where reference is made to this Article, passengers shall receive compensation amounting to—

 - (a) £220 for all flights of 1500 kilometres or less;
 - (b) £350 for all flights between 1500 and 3500 kilometres;
 - (c) £520 for all flights not falling under (a) or (b).

In determining the distance, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger’s arrival after the scheduled time.”;
 - (b) in paragraph 2, in point (b), omit “intra-Community flights of more than 1500 kilometres and for all other”.
- (7) In Article 8 (right to reimbursement or re-routing), in paragraph 2, for “[Directive 90/314/EEC](#)” substitute “the Package Travel and Linked Travel Arrangements Regulations 2018”.
- (8) In Article 10 (upgrading and downgrading)—
 - (a) in paragraph 2, in point (b), omit the words from “intra-Community” to “other”;
 - (b) in paragraph 2, in point (c), omit the words from “, including” to the end.
- (9) In Article 16 (infringements)—
 - (a) for paragraphs 1 and 2 substitute—

“1. A body designated under the Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005⁽⁴⁾ for the purposes of this paragraph is responsible for the enforcement of this Regulation. Where appropriate, this body shall take the measures necessary to ensure that the rights of passengers are respected.

2. Without prejudice to Article 12, each passenger may complain to any body designated for the purposes of paragraph 1 or to a body designated for the purposes of this paragraph, about an alleged infringement of this Regulation.”;
 - (b) omit paragraph 3.
- (10) Omit Article 17 (report).
- (11) After Article 19 (entry into force) omit the paragraph beginning with the words “This Regulation”.

Amendment of Regulation (EC) No 1107/2006

- 9.—(1) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air is amended as follows.
- (2) In Article 1 (purpose and scope)—
 - (a) in paragraph 2, for “territory of a Member State to which the Treaty applies” substitute “United Kingdom”;
 - (b) for paragraph 3 substitute—

(4) [S.I. 2005/975](#), amended by [S.I. 2016/729](#).

- “3. Articles 3, 4 and 10 shall also apply to passengers departing from an airport situated in a country other than the United Kingdom to an airport situated in—
- (a) the United Kingdom, if the operating carrier is a Community air carrier or a UK air carrier; or
 - (b) the territory of a Member State to which the Treaty applies, if the operating carrier is a UK air carrier.”;
 - (c) in paragraph 4, for “established by [Directive 90/314/EEC](#)” substitute “under the Package Travel and Linked Travel Arrangements Regulations 2018”;
 - (d) in paragraph 5, for “[Directive 96/67/EC](#)” substitute “the Airports (Groundhandling) Regulations 1997(5)”;
 - (e) omit paragraphs 6 and 7.
- (3) In Article 2 (definitions)—
- (a) for point (d) substitute—
 - “(d) ‘Community air carrier’ means an air carrier with a valid operating licence granted by a Member State in accordance with 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 Community as it has effect in EU law(6);”;
 - (b) in point (e) for “Article 2(2) and (3) of [Directive 90/314/EEC](#)” substitute “regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018”;
 - (c) after point (l) insert—
 - “(m) ‘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) In Article 4 (derogations, special conditions and information), in paragraph 1, in point (a), for “international, Community or national law” substitute “international law or the law of England and Wales, Scotland or Northern Ireland”.
 - (5) In Article 6 (transmission of information)—
 - (a) in paragraph 1, for “territory of the Member States to which the Treaty applies” substitute “United Kingdom”;
 - (b) in paragraph 4, for “territory of a Member State to which the Treaty applies” substitute “United Kingdom”.
 - (6) In Article 12 (compensation for lost or damaged wheelchairs, other mobility equipment and assistive devices) for “international, Community and national law” substitute “international law and the law of England and Wales, Scotland and Northern Ireland”.
 - (7) For Article 14 (enforcement body and its tasks) substitute—
 - “1. A body designated under the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014(7) for this purpose is responsible for the enforcement of this Regulation. Where appropriate, this body shall take the measures necessary to ensure that the rights of disabled persons and persons with reduced mobility are respected, including compliance with the quality standards referred to in Article 9(1).

(5) [S.I. 1997/2389](#), amended by [S.I. 1998/2918](#); there are other amending instruments but none is relevant.

(6) OJ L 293, 31.10.2008, p. 3.

(7) [S.I. 2014/2833](#), amended by [S.I. 2016/729](#).

2. A body designated under the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014 for this purpose shall also ensure the satisfactory implementation of Article 8, including as regards the provisions on charges with a view to avoiding unfair competition.”.

(8) In Article 15 (complaint procedure)—

(a) for paragraph 2 substitute—

“2. If the disabled person or person with reduced mobility cannot obtain satisfaction in such way, complaints about an alleged infringement of this Regulation may be made to a body designated for the purpose of Article 14(1) or for the purposes of this paragraph under the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014.”;

(b) omit paragraph 3;

(c) for paragraph 4 substitute—

“4. A body designated under the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014 for the purpose of Article 14(1) shall take measures to inform disabled persons and persons with reduced mobility of their rights under this Regulation and of the possibility of complaint to a body designated for the purposes of Article 15(2).”.

(9) Omit Article 16 (penalties) and Article 17 (report).

(10) After Article 18 (entry into force) omit the paragraph beginning with the words “This Regulation shall be”.