
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 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—

“**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(1)”;
- (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(2);”;

(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”;

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

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

- (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⁽³⁾ 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).
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”.

(3) S.I. 2014/2833, amended by S.I. 2016/729.

