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STATUTORY INSTRUMENTS

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**2019 No. 459**

**The Air Traffic Management (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 2**

Amendment and revocation of retained direct principal EU legislation

**CHAPTER 1**

Amendment of Regulation (EC) No 549/2004

**Regulation (EC) No 549/2004: introduction**

2. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) is amended in accordance with regulations 3 to 18.

**Article 1 of Regulation (EC) No 549/2004**

- 3.—(1) Article 1 (objective and scope) is amended as follows.
- (2) In the heading, for “Objective and scope” substitute “Scope”.
  - (3) Omit paragraph 1.
  - (4) In paragraph 2—
    - (a) for “Member States” substitute “the United Kingdom’s”,
    - (b) for “their” substitute “its”, and
    - (c) omit “of the Member States”.
  - (5) In paragraph 3—
    - (a) in the first sentence, for “Member States” substitute “the United Kingdom”, and
    - (b) omit the second sentence.
  - (6) Omit paragraph 4.

**Article 2 of Regulation (EC) No 549/2004**

- 4.—(1) Article 2 (definitions) is amended as follows.
- (2) After point 14 insert—
    - (a) ‘the CAA’ means the Civil Aviation Authority;’.
  - (3) In point 15 (certificate) for “a national supervisory authority in any form complying with national law,” substitute “the national supervisory authority”.
  - (4) In point 17 (European air traffic management network)—
    - (a) after “collection of” insert “relevant”,

- (b) omit the words beginning with “listed” and ending with “(the interoperability Regulation)”, and
- (c) at the end insert—
  - “For these purposes relevant systems are:
    - (a) systems and procedures for airspace management,
    - (b) systems and procedures for air traffic flow management,
    - (c) systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human-machine interface systems,
    - (d) communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications,
    - (e) navigation systems and procedures,
    - (f) surveillance systems and procedures,
    - (g) systems and procedures for aeronautical information services, and
    - (h) systems and procedures for the use of meteorological information;”.
- (5) In point 18 (concept of operation) for “EATMN” substitute “UK ATMS”.
- (6) In point 19 (constituents) after “of the” insert “UK ATMS with the”.
- (7) In point 28 (interoperability)—
  - (a) for “EATMN” substitute “UK ATMS”, and
  - (b) after “efficient operation” insert “in relation to the EATMN”.
- (8) In point 32 (procedure) after “throughout” insert “the UK ATMS and in relation to”.
- (9) In point 36 (seamless operation)—
  - (a) after “operation of” insert “the UK ATMS in relation to”, and
  - (b) for “it functions as if it” substitute “the UK ATMS functions as if it and the EATMN”.
- (10) After point 39 (system) insert—
  - (a) ‘United Kingdom air traffic management system’ or ‘UK ATMS’ means the collection of relevant systems enabling air navigation services in the United Kingdom to be provided, including the interfaces at boundaries with other countries and territories. For these purposes relevant systems are:
    - (a) systems and procedures for airspace management,
    - (b) systems and procedures for air traffic flow management,
    - (c) systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human-machine interface systems,
    - (d) communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications,
    - (e) navigation systems and procedures,
    - (f) surveillance systems and procedures,
    - (g) systems and procedures for aeronautical information services, and
    - (h) systems and procedures for the use of meteorological information;”.
- (11) In point 41 (cross-border services)—
  - (a) for “one Member State” substitute “the United Kingdom”, and

- (b) for “another” substitute “a”.

#### **Article 3 of Regulation (EC) No 549/2004**

- 5.—(1) Article 3 (fields for action by the Community) is amended as follows.
- (2) In the heading omit “by the Community”.
- (3) In paragraph 1—
  - (a) in the words before point (a) omit “for the creation of the single European sky”,
  - (b) in the words after point (c), after “adopted” insert “before exit day”,
  - (c) in those words for “regulations” substitute “Regulations”, and
  - (d) at the end of those words insert “as well as with the regulations made on or after exit day by the Secretary of State under any of the Regulations referred to in this Article.”.

#### **Article 4 of Regulation (EC) No 549/2004**

- 6.—(1) Article 4 (national supervisory authorities) is amended as follows.
- (2) In the heading for “authorities” substitute “authority”.
- (3) In paragraph 1—
  - (a) for “Member States” substitute “The Secretary of State”,
  - (b) omit “, jointly or individually,”, and
  - (c) for “their” substitute “the”.
- (4) In paragraph 2 for “authorities”, in both places it occurs, substitute “authority”.
- (5) In paragraph 3—
  - (a) for “National supervisory authorities” substitute “The national supervisory authority”,
  - (b) for “their” substitute “its”,
  - (c) after “powers” insert “under this Regulation and under the measures referred to in Article 3”, and
  - (d) omit the words from “This shall be” to the end of the paragraph.
- (6) In paragraph 4—
  - (a) for “Member States” substitute “The national supervisory authority”,
  - (b) for “national supervisory authorities have” substitute “it has”,
  - (c) for “them” substitute “it”, and
  - (d) after “Regulation” insert “and under the measures referred to in Article 3”.
- (7) Omit paragraph 5.

#### **Article 5 of Regulation (EC) No 549/2004**

- 7. Omit Article 5 (Committee procedure).

#### **Article 6 of Regulation (EC) No 549/2004**

- 8. Omit Article 6 (industry consultation body).

#### **Article 7 of Regulation (EC) No 549/2004**

- 9. Omit Article 7 (relations with European third countries).

**Article 8 of Regulation (EC) No 549/2004**

10. Omit Article 8 (implementing rules).

**Article 9 of Regulation (EC) No 549/2004**

11. Omit Article 9 (penalties).

**Article 10 of Regulation (EC) No 549/2004**

12. Omit Article 10 (consultation of stakeholders).

**Article 11 of Regulation (EC) No 549/2004**

13. Omit Article 11 (performance scheme).

**Article 12 of Regulation (EC) No 549/2004**

14.—(1) Article 12 (supervision, monitoring and methods of impact assessment) is amended as follows.

(2) In the heading for “Supervision, monitoring and methods of impact assessment” substitute “Review”.

(3) Omit paragraph 1.

(4) In paragraph 2—

(a) for “The Commission” substitute “The Secretary of State”, and

(b) omit the words beginning with “, and shall firstly” to the end of the paragraph.

(5) Omit paragraph 3.

(6) In paragraph 4—

(a) for “The reports shall contain” substitute “The review must include”,

(b) after “Regulation” insert “and to the measures referred to in Article 3”, and

(c) omit “, in the light of the original objectives”.

**Article 13 of Regulation (EC) No 549/2004**

15.—(1) Article 13 (safeguards) is amended as follows.

(2) In the first paragraph—

(a) after “Regulation” insert “and the measures referred to in Article 3”, and

(b) omit “by a Member State”.

(3) In the first indent for “its responsibility” substitute “the responsibility of the United Kingdom”.

(4) In the fourth indent for “a Member State’s” substitute “the United Kingdom’s”.

**Article 13a of Regulation (EC) No 549/2004**

16. Omit Article 13a (European Aviation Safety Agency).

**Article 14 of Regulation (EC) No 549/2004**

17. Omit Article 14 (entry into force).

## **Further amendment of Regulation (EC) No 549/2004**

18. After Article 14 omit the sentence which begins “This Regulation shall be binding”.

### **CHAPTER 2**

#### **Amendment of Regulation (EC) No 550/2004**

### **Regulation (EC) No 550/2004: introduction**

19. Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) is amended in accordance with regulations 20 to 44.

### **Article 1 of Regulation (EC) No 550/2004**

20. In Article 1 (scope and objective), in paragraph 1—

- (a) for “in the single European sky” substitute “which form part of the UK ATMS”, and
- (b) for “the Community” substitute “the airspace under the responsibility of the United Kingdom”.

### **Article 2 of Regulation (EC) No 550/2004**

21.—(1) Article 2 (tasks of the national supervisory authorities) is amended as follows.

- (2) In the heading for “authorities” substitute “authority”.
- (3) In paragraph 1—
  - (a) for “authorities” substitute “authority”, and
  - (b) for the words from “Member” to the end of the paragraph substitute “United Kingdom”.
- (4) In paragraph 2 for “each” substitute “the”.
- (5) Omit paragraphs 3 to 6.

### **Article 3 of Regulation (EC) No 550/2004**

22.—(1) Article 3 (qualified entities) is amended as follows.

- (2) In paragraph 1 for “National supervisory authorities” substitute “The national supervisory authority”.
- (3) In paragraph 2—
  - (a) for “a national” substitute “the national”,
  - (b) omit “within the Community”, and
  - (c) omit the second sentence.

### **Article 4 of Regulation (EC) No 550/2004**

23. Omit Article 4 (safety requirements).

### **Article 6 of Regulation (EC) No 550/2004**

24.—(1) Article 6 (common requirements) is amended as follows.

- (2) The single paragraph becomes paragraph 1.

(3) In that paragraph, for the first sentence substitute “The Secretary of State may by regulations made by statutory instrument prescribe common requirements for the provision of air navigation services in the airspace under the responsibility of the United Kingdom.”.

(4) After that paragraph insert—

“2. Regulations under paragraph 1—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

3. A statutory instrument containing regulations under paragraph 1 is subject to annulment in pursuance of a resolution of either House of Parliament..”.

#### **Article 7 of Regulation (EC) No 550/2004**

25.—(1) Article 7 (certification of air navigation service providers) is amended as follows.

(2) In paragraph 1—

- (a) for “within the Community” substitute “in the airspace under the responsibility of the United Kingdom”, and
- (b) for “Member States” substitute “the national supervisory authority”.

(3) In paragraph 2 omit the words from “of the” to the end of the paragraph.

(4) In paragraph 3 for “National supervisory authorities” substitute “The national supervisory authority”.

(5) In paragraph 5—

- (a) for “Member States” substitute “the national supervisory authority”,
- (b) for “their responsibility” substitute “the responsibility of the United Kingdom”, and
- (c) omit the second sentence.

(6) Omit paragraph 6.

(7) In paragraph 7—

- (a) for “National supervisory authorities” substitute “The national supervisory authority”,
- (b) omit the second sentence, and
- (c) for “a national” substitute “the national”.

(8) For paragraph 8 substitute—

“8. Any certificate issued before exit day in a Member State in accordance with Article 7 of Regulation (EC) No 550/2004<sup>(1)</sup> which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018 is:

- (a) to continue to be in force or effective on and after exit day for the remainder of its validity period up to a maximum of 2 years (subject to any earlier suspension or cancellation by the national supervisory authority); and
- (b) for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as if it was issued by the national supervisory authority in accordance with this Article.”.

(9) Omit paragraph 9.

(1) OJ L 96, 31.3.2004, p. 10.

#### **Article 8 of Regulation (EC) No 550/2004**

- 26.—(1) Article 8 (designation of air traffic service providers) is amended as follows.
- (2) In paragraph 1—
- (a) for “Member States”, in the first place those words occur, substitute “The national supervisory authority”,
  - (b) for “their responsibility” substitute “the responsibility of the United Kingdom”,
  - (c) for “Member States”, in the second place those words occur, substitute “the national supervisory authority”, and
  - (d) for “in the Community” substitute “issued in accordance with Article 7”.
- (3) Omit paragraph 2.
- (4) In paragraph 3—
- (a) for “Member States” substitute “The national supervisory authority”, and
  - (b) for “their responsibility” substitute “the responsibility of the United Kingdom”.
- (5) In paragraph 4 for “Member States” substitute “The national supervisory authority”.
- (6) Omit paragraphs 5 and 6.

#### **Article 9 of Regulation (EC) No 550/2004**

- 27.—(1) Article 9 (designation of providers of meteorological services) is amended as follows.
- (2) In paragraph 1—
- (a) for “Member States” substitute “The national supervisory authority”, and
  - (b) for “their responsibility” substitute “the responsibility of the United Kingdom”.
- (3) Omit paragraph 2.

#### **Article 9a of Regulation (EC) No 550/2004**

28. Omit Article 9a (functional airspace blocks).

#### **Article 9b of Regulation (EC) No 550/2004**

29. Omit Article 9b (functional airspace blocks system coordinator).

#### **Article 10 of Regulation (EC) No 550/2004**

- 30.—(1) Article 10 (relations between service providers) is amended as follows.
- (2) In paragraph 1 for “in the Community” substitute “in accordance with Article 7”.
- (3) In paragraph 2 omit “or authorities concerned”.
- (4) In paragraph 3—
- (a) for “Member States concerned”, in both places those words occur, substitute “the national supervisory authority”, and
  - (b) for “they have” substitute “it has”.

#### **Article 11 of Regulation (EC) No 550/2004**

31. Omit Article 11 (relations with military authorities).

**Article 12 of Regulation (EC) No 550/2004**

32.—(1) Article 12 (transparency of accounts) is amended as follows.

(2) In paragraph 1 for “the international accounting standards adopted by the Community” substitute “international accounting standards within the meaning of Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (see Article 2 of that Regulation)”.

(3) In paragraph 3 omit the words beginning with “, broken down” and ending with “Article 14”.

(4) In paragraph 4—

(a) for “Member States shall designate the competent authorities that” substitute “The national supervisory authority”, and

(b) for “their responsibility” substitute “the responsibility of the United Kingdom”.

(5) Omit paragraph 5.

**Article 13 of Regulation (EC) No 550/2004**

33. In Article 13 (access to and protection of data), in paragraph 3—

(a) for “National supervisory authorities” substitute “The national supervisory authority”, and

(b) omit the third sentence.

**Article 14 of Regulation (EC) No 550/2004**

34. Omit Article 14 (charging schemes: general).

**Article 15 of Regulation (EC) No 550/2004**

35. Omit Article 15 (charging schemes: principles).

**Article 15a of Regulation (EC) No 550/2004**

36. For Article 15a (common projects) substitute—

*“Article 15a**Common projects*

1. The Secretary of State may by regulations made by statutory instrument make provision imposing on any person a requirement derived from a common project within the meaning of Article 15a of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky, as that Regulation has effect in EU law as amended from time to time<sup>(2)</sup>.

2. Regulations under paragraph 1—

(a) may make different provision for different purposes;

(b) may make transitional, transitory or saving provision;

(c) may make consequential, incidental or supplementary provision.

3. A statutory instrument containing regulations under paragraph 1 is subject to annulment in pursuance of a resolution of either House of Parliament.”.

(2) OJ L 96, 31.3.2004, p. 10.



**Article 16 of Regulation (EC) No 550/2004**

37. Omit Article 16 (review of compliance).

**Article 17 of Regulation (EC) No 550/2004**

38. For Article 17 (revision of annexes) substitute—

*“Article 17*

*Revision of Annexes*

1. The Secretary of State may by regulations made by statutory instrument amend Annex 1 or 2.
2. Regulations under paragraph 1—
  - (a) may make different provision for different purposes;
  - (b) may make transitional, transitory or saving provision;
  - (c) may make consequential, incidental or supplementary provision.
3. A statutory instrument containing regulations under paragraph 1 is subject to annulment in pursuance of a resolution of either House of Parliament.”.

**Article 18 of Regulation (EC) No 550/2004**

39.—(1) Article 18 (confidentiality) is amended as follows.

(2) In paragraph 1—

- (a) for “authorities, acting in accordance with their national legislation” substitute “authority”, and
- (b) for “Commission” substitute “Secretary of State”.

(3) In paragraph 2—

- (a) for “national supervisory authorities” substitute “the national supervisory authority”, and
- (b) for “Commission” substitute “Secretary of State”.

(4) Omit paragraph 3.

**Article 18a of Regulation (EC) No 550/2004**

40. Omit Article 18a (review).

**Article 19 of Regulation (EC) No 550/2004**

41. Omit Article 19 (entry into force).

**Further amendment of Regulation (EC) No 550/2004**

42. After Article 19 omit the sentence which begins “This Regulation shall be binding”.

**Annex 1 to Regulation (EC) No 550/2004**

43. In Annex 1 (requirements for qualified entities)—

- (a) in the sixth indent omit “concerned”, and
- (b) in the ninth indent omit the words from “recognised” to the end.

**Annex 2 to Regulation (EC) No 550/2004**

44. In Annex 2 (conditions to be attached to certificates) omit point 1(a).

**CHAPTER 3****Amendment of Regulation (EC) No 551/2004****Regulation (EC) No 551/2004: introduction**

45. Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) is amended in accordance with regulations 46 to 55.

**Article 1 of Regulation (EC) No 551/2004**

46.—(1) Article 1 (objective and scope) is amended as follows.

(2) In paragraph 1—

- (a) for “in the Single European Sky” substitute “under the responsibility of the United Kingdom”, and
- (b) omit the words from “support” to “and to”.

(3) In paragraph 3—

- (a) for “and AFI regions where Member States are” substitute “region where the United Kingdom is”, and
- (b) omit the second sentence.

(4) Omit paragraph 4.

**Article 3 of Regulation (EC) No 551/2004**

47. Omit Article 3 (European Upper Flight Information Region).

**Article 3a of Regulation (EC) No 551/2004**

48.—(1) Article 3a (electronic aeronautical information) is amended as follows.

(2) In paragraph 1 for the words beginning with “Without” and ending with “cooperation” substitute “The national supervisory authority, working in consultation”.

(3) In paragraph 2—

- (a) in the opening words for “Commission” substitute “national supervisory authority”,
- (b) in point (a) for “ensure the development of a Community wide” substitute “contribute to the development of an”, and
- (c) in point (b) for “close cooperation” substitute “consultation”.

(4) Omit paragraph 3.

**Article 4 of Regulation (EC) No 551/2004**

49.—(1) Article 4 (rules of the air and airspace classification) is amended as follows.

(2) The unnumbered paragraph becomes paragraph 1.

(3) In that paragraph, for the words before point (a) substitute—

“1. The Secretary of State may by regulations made by statutory instrument make provision to:”

(4) In point (b) omit the words from “, in order” to the end.

(5) At the end insert—

“2. Regulations under paragraph 1—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

3. A statutory instrument containing regulations under paragraph 1 is subject to annulment in pursuance of a resolution of either House of Parliament..”.

#### **Article 6 of Regulation (EC) No 551/2004**

50.—(1) Article 6 (network management and design) is amended as follows.

(2) For paragraphs 1 to 5 substitute—

“1. The Secretary of State may by regulations made by statutory instrument make provision imposing requirements on any person in connection with the exercise by any person of the air traffic management (ATM) network functions.

2. The air traffic management (ATM) network functions are—

- (a) the functions described in Article 6(2) of Regulation (EC) No 551/2004, as that regulation has effect in EU law as amended from time to time<sup>(3)</sup>,
- (b) additional functions added to that list in accordance with Article 6(3) of that Regulation as it has effect in EU law as amended from time to time, and
- (c) functions under implementing rules adopted under Article 6(4) of that Regulation as it has, and as those rules have, effect in EU law as amended from time to time.”.

(3) In paragraph 6 for “Member States” substitute “The Secretary of State”.

(4) In paragraph 7—

- (a) for “Implementing rules for” substitute “The Secretary of State may by regulations made by statutory instrument make provision about”,
- (b) omit the words beginning with “shall be developed” and ending with “Article 5(3) of the framework Regulation,”, and
- (c) for “These rules” substitute “Regulations under this paragraph”.

(5) In paragraph 8 for “The implementing rules for air traffic flow management” substitute “Regulations under paragraph 7”.

(6) In paragraph 9 for “the implementing rules the Commission” substitute “regulations under paragraph 7 the Secretary of State”.

(7) At the end insert—

“10. Regulations under paragraph 1 or 7—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

11. A statutory instrument containing regulations under paragraph 1 or 7 is subject to annulment in pursuance of a resolution of either House of Parliament.”.

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(3) OJ L 96, 31.3.2004, p. 20.

**Article 7 of Regulation (EC) No 551/2004**

**51.**—(1) Article 7 (flexible use of airspace) is amended as follows.

(2) In paragraph 1—

- (a) for “their responsibility” substitute “the responsibility of the Secretary of State”,
- (b) for “Member States” substitute “the persons mentioned in paragraph 1A”,
- (c) for “Single European Sky” substitute “UK ATMS”, and
- (d) omit “in the context of the common transport policy”.

(3) After that paragraph insert—

“**1A.** Those persons are:

- (a) any air navigation service provider,
- (b) the national supervisory authority, and
- (c) the Secretary of State.”.

(4) In paragraph 2—

- (a) for “Member States” substitute “The national supervisory authority”,
- (b) for “Commission” substitute “Secretary of State”,
- (c) omit “, in the context of the common transport policy,”, and
- (d) for “their responsibility” substitute “the responsibility of the United Kingdom”.

(5) For paragraph 3 substitute—

“**3.** The Secretary of State may by regulations made by statutory instrument make provision about the flexible use of airspace.

**4.** When making regulations under paragraph 3 the Secretary of State must have regard to the reports mentioned in paragraph 2.

**5.** Regulations under paragraph 3—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

**6.** A statutory instrument containing regulations under paragraph 3 is subject to annulment in pursuance of a resolution of either House of Parliament..”.

**Article 8 of Regulation (EC) No 551/2004**

**52.** For Article 8 (temporary suspension) substitute—

*“Article 8*

*Disapplication of Article 7*

Article 7(1) does not apply if and to the extent that it gives rise to significant operational difficulties.”.

**Article 10 of Regulation (EC) No 551/2004**

**53.** Omit Article 10 (review).

#### **Article 10 of Regulation (EC) No 551/2004**

54. Omit Article 11 (entry into force).

#### **Further amendment of Regulation (EC) No 551/2004**

55. After Article 11 omit the sentence which begins “This Regulation shall be binding”.

### CHAPTER 4

#### Amendment of Regulation (EC) No 552/2004

#### **Regulation (EC) No 552/2004: introduction**

56. Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) is amended in accordance with regulations 57 to 63.

#### **Article 4 of Regulation (EC) No 552/2004**

57.—(1) Article 4 (community specifications) is amended as follows.

(2) In paragraph 1—

- (a) for the words before point (a) substitute “In this Regulation and the other measures referred to in Article 3 of the framework Regulation, “Community specifications” means:”, and
- (b) in point (b), for “the framework Regulation” substitute “Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky, as that Regulation has effect in EU law as amended from time to time(4)”.

(3) Omit paragraphs 3 and 4.

(4) In paragraph 5—

- (a) for “a Member State or the Commission” substitute “the Secretary of State”, and
- (b) for the words beginning with “which” to the end of the paragraph substitute “to which the said Community specification relates, the Secretary of State may direct that paragraph 2 does not apply in relation to the specification. Accordingly, compliance with the essential requirements and/or the implementing rules for interoperability must not be presumed for systems, together with the associated procedures, or constituents that meet the specification.”.

(5) After paragraph (5) insert—

“5A. As soon as possible after making a direction under paragraph 5 the Secretary of State must publish the direction in a way that the Secretary of State considers is likely to bring it to the attention of persons likely to be interested in it..”.

(6) Omit paragraphs 6 and 7.

#### **Article 5 of Regulation (EC) No 552/2004**

58.—(1) Article 5 (declaration of conformity or suitability for use of constituents) is amended as follows.

(2) In the heading for “EC declaration” substitute “Declaration”.

(3) In paragraph 1 for “an EC” substitute “a”.

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(4) OJ L 96, 31.3.2004, p. 1.

- (4) In paragraph 2—
- (a) after “, or” insert “if the manufacturer is not established in the United Kingdom,”
  - (b) for “Community” substitute “United Kingdom”, and
  - (c) omit “EC”.
- (5) In paragraph 3 omit “EC”.
- (6) After paragraph 3 insert—
- 3A.** Paragraph 3B applies in relation to an EC declaration of conformity or suitability for use made before exit day in accordance with Article 5 of Regulation (EC) No 552/2004<sup>(5)</sup> which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018.
- 3B.** The declaration is, for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as a declaration made in accordance with this Article by a manufacturer established in the United Kingdom.”.
- (7) In paragraph 4 for “notified bodies referred to in Article 8” substitute “bodies appointed to carry out those tasks”.

#### **Article 6 of Regulation (EC) No 552/2004**

- 59.**—(1) Article 6 (declaration of verification of systems) is amended as follows.
- (2) In the heading for “EC declaration” substitute “Declaration”.
- (3) In paragraph 1—
- (a) for “an EC” substitute “a”, and
  - (b) omit “, when integrated into the EATMN”.
- (4) In paragraph 2 for “an EC” substitute “a”.
- (5) After paragraph 2 insert—
- 2A.** Paragraph 2B applies in relation to an EC declaration of verification submitted to the national supervisory authority of a Member State before exit day in accordance with Article 6 of Regulation (EC) No 552/2004<sup>(6)</sup> which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018.
- 2B.** The declaration is, for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as a declaration submitted to the national supervisory authority in accordance with this Article.”.
- (6) In paragraph 3 for “notified bodies as referred to in Article 8” substitute “bodies appointed to carry out those tasks”.
- (7) In paragraph 4 omit “EC”.

#### **Article 6a of Regulation (EC) No 552/2004**

- 60.** In Article 6a (alternative verification of compliance) omit “EC” in the second and third places it occurs.

(5) OJ L 96, 31.3.2004, p. 26.

(6) OJ L 96, 31.3.2004, p. 26.

#### **Article 7 of Regulation (EC) No 552/2004**

- 61.**—(1) Article 7 (safeguards) is amended as follows.
- (2) In paragraph 1—
    - (a) in sub-paragraph (a) for “an EC” substitute “a”, and
    - (b) in sub-paragraph (b) omit “EC”.
  - (3) Omit paragraphs 2 to 6.

#### **Annex 3 to Regulation (EC) No 552/2004**

- 62.**—(1) Annex 3 (constituents) is amended as follows.
- (2) Omit “EC” in each place it occurs.
  - (3) For “declaration”, in the first place it occurs, substitute “Declaration”.
  - (4) In point 1—
    - (a) for “will be” substitute “are”, and
    - (b) omit “in accordance with the provisions of Article 3 of this Regulation”.
  - (5) In point 2—
    - (a) for “notified” substitute “appointed”, and
    - (b) for “93/465/EC” substitute “768/2008/EC”.
  - (6) In point 3—
    - (a) in the second indent—
      - (i) after “manufacturer or” insert “, if the manufacturer is not established in the United Kingdom,”, and
      - (ii) for “Community” substitute “United Kingdom”,
    - (b) in the sixth indent for “notified” substitute “appointed”, and
    - (c) in the eight indent—
      - (i) after “manufacturer or” insert “, if the manufacturer is not established in the United Kingdom,”, and
      - (ii) for “Community” substitute “United Kingdom”.

#### **Annex 4 to Regulation (EC) No 552/2004**

- 63.**—(1) Annex 4 (systems) is amended as follows.
- (2) Omit “EC” in each place it occurs.
  - (3) For “declaration”, in the first place it occurs, substitute “Declaration”.
  - (4) In point 1, in the fifth indent for “notified” substitute “appointed”.
  - (5) In point 2—
    - (a) for “a notified” substitute “an appointed”, and
    - (b) for “the notified” substitute “the appointed”.
  - (6) In point 3—
    - (a) in the second indent for “as referred to in Article 3 of this Regulation” substitute “identified in the relevant implementing rules for interoperability”,
    - (b) in the third indent for “notified” substitute “appointed”, and
    - (c) in each of the fourth and fifth indents for “a notified” substitute “an appointed”.

(7) In point 4 omit the last sentence.

## CHAPTER 5

### Revocation of Council Regulation (EC) No 219/2007

#### **Council Regulation (EC) No 219/2007**

**64.** Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) is revoked.

## CHAPTER 6

### Amendment of Commission Regulation (EC) No 482/2008

#### **Commission Regulation (EC) No 482/2008: introduction**

**65.** Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005 is amended in accordance with regulations 66 to 73.

#### **Article 2 of Commission Regulation (EC) No 482/2008**

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

(2) In point 12 for “European air traffic management network (EATMN)” substitute “United Kingdom air traffic management system (UK ATMS)”.

(3) In each of points 13, 14 and 28 for “EATMN”, in each place it occurs, substitute “UK ATMS”.

#### **Article 3 of Commission Regulation (EC) No 482/2008**

**67.**—(1) Article 3 (general safety requirements) is amended as follows.

(2) In paragraph 1—

(a) omit “Community or national”, and

(b) for “EATMN” substitute “UK ATMS”.

(3) In paragraph 2, in point (d) for “EATMN” substitute “UK ATMS”.

(4) In paragraph 3 for “national supervisory authority” substitute “CAA”.

#### **Article 4 of Commission Regulation (EC) No 482/2008**

**68.** In Article 4 (requirements applying to the software safety assurance system), in each of points 2, 4(b) and 5 for “EATMN” substitute “UK ATMS”.

#### **Article 5 of Commission Regulation (EC) No 482/2008**

**69.**—(1) Article 5 (requirements applying to changes to software and to specific software) is amended as follows.

(2) In paragraph 1 for “national supervisory authority” substitute “CAA”.

(3) In paragraph 2—

(a) for “national supervisory authority” substitute “CAA”, and

(b) omit “or a notified body”.



### **Article 7 of Commission Regulation (EC) No 482/2008**

70. In Article 7 (entry into force) omit the second and third unnumbered paragraph.

### **Further amendment of Commission Regulation (EC) No 482/2008**

71. After Article 7 omit the sentence which begins “This Regulation shall be binding”.

### **Annex 1 to Commission Regulation (EC) No 482/2008**

72. In Annex 1 (requirements applying to the software assurance level referred to in Article 4(2)), in each of points 1 and 3 for “EATMN” substitute “UK ATMS”.

### **Annex 2 to Commission Regulation (EC) No 482/2008**

73.—(1) Annex 2 is amended as follows.

(2) In Part A (requirements applying to the software safety requirements validity assurance referred to in Article 4(3)(a)), in point 1 for “EATMN” substitute “UK ATMS”.

(3) In Part B (requirements applying to the software verification assurance referred to in Article 4(3)(b))—

(a) in point 1 for “EATMN” substitute “UK ATMS”,

(b) in point 2—

(i) for “EATMN” substitute “UK ATMS”, and

(ii) for “national supervisory authority” substitute “CAA”, and

(c) in point 3 for “EATMN” substitute “UK ATMS”.

(4) In Part C (requirements applying to the software configuration management assurances referred to in Article 4(3)(c)), in each of paragraphs 1 and 3 for “EATMN” substitute “UK ATMS”.

## CHAPTER 7

### Revocation of Council Regulation (EC) No 1361/2008

### **Council Regulation (EC) No 1361/2008**

74. Council Regulation (EC) No 1361/2008 of 16 December 2008 amending Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) is revoked.

## CHAPTER 8

### Amendment of Regulation (EC) No 1070/2009

### **Regulation (EC) No 1070/2009: introduction**

75. Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system is amended in accordance with regulations 76 to 81.

### **Article 1 of Regulation (EC) No 1070/2009**

76. In Article 1 omit—

- (a) paragraph 4 (which substitutes a new Article 5(4) for Article 5(4) of Regulation (EC) No 549/2004),
- (b) paragraph 5 (which substitutes new Articles 6 to 11 for Articles 6 to 11 of that Regulation), and
- (c) paragraph 7 (which inserts Article 13a of that Regulation).

**Article 2 of Regulation (EC) No 1070/2009**

77. In Article 2 omit—

- (a) paragraph 5 (which inserts Articles 9a and 9b into Regulation (EC) No 550/2004),
- (b) paragraph 6 (which substitutes a new Article 11 for Article 11 of that Regulation),
- (c) paragraph 8 (which substitutes a new Article 14 for Article 14 of that Regulation),
- (d) paragraph 9 (which substitutes a new Article 15 for Article 15 of that Regulation), and
- (e) paragraph 12 (which inserts Article 18a into that Regulation).

**Article 3 of Regulation (EC) No 1070/2009**

78. In Article 3 omit paragraph 2 (which substitutes a new Article 3 for Article 3 of Regulation (EC) No 551/2004).

**Article 4 of Regulation (EC) No 1070/2009**

79. In Article 4 omit—

- (a) paragraph 2 (which substitutes a new Article 9 for Article 9 of Regulation (EC) No 552/2004),
- (b) paragraph 3 (which inserts a new paragraph 2a of Article 10 of that Regulation), and
- (c) paragraph 4 (which amends Annex 2 to that Regulation).

**Article 4 of Regulation (EC) No 1070/2009**

80. Omit Article 5 (entry into force).

**Further amendment of Regulation (EC) No 1070/2009**

81. After Article 5 omit the sentence which begins “This Regulation shall be binding”.

**CHAPTER 9****Revocation of Council Regulation (EU) No 721/2014****Council Regulation (EU) No 721/2014**

82. Council Regulation (EU) No 721/2014 of 16 June 2014 amending Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) as regards the extension of the Joint Undertaking until 2024 is revoked.