
STATUTORY INSTRUMENTS

2019 No. 459

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

PART 3

Amendment and revocation of retained direct minor EU legislation

CHAPTER 26

Amendment of Commission Implementing Regulation (EU) 2017/373

Commission Implementing Regulation (EU) 2017/373: introduction

354. Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 is amended in accordance with regulations 355 to 365.

Commencement Information

I1 Reg. 354 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Article 2 of Commission Implementing Regulation (EU) 2017/373

355. In Article 2 (definitions), omit points (3) and (4).

Commencement Information

I2 Reg. 355 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Article 4 of Commission Implementing Regulation (EU) 2017/373

356.—(1) Article 4 (competent authority for certification) is amended as follows.

^{F1}(2)

(3) Omit the unnumbered paragraph after paragraph 1.

(4) In paragraph 2 for “competent authorities” substitute “competent authority”.

(5) In paragraph 5—

(a) for “their”, in both places it occurs, substitute “its”;

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the *The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 26. (See end of Document for details)*

- (b) for “authorities”, in each place it occurs, substitute “ authority ”,
 - (c) for “Member States” substitute “ the Secretary of State ”, and
 - (d) for “exercise” substitute “ exercises ”.
- (6) In paragraph 6—
- (a) for “Member States and, where the Agency is the competent authority, the Commission” substitute “ The Secretary of State ”,
 - (b) for “their”, in the first place it occurs, substitute “ the ”,
 - (c) for “authorities do” substitute “ authority does ”, and
 - (d) for “their”, in the second place it occurs, substitute “ its ”.
- (7) In paragraph 8—
- (a) for “Member States and, where the Agency is the competent authority, the Commission” substitute “ The Secretary of State ”,
 - (b) for “authorities for the exercise of their” substitute “ authority for the exercise of its ”,
 - (c) omit “respective”,
 - (d) for “authorities”, in the last place it occurs, substitute “ authority ”, and
 - (e) for “their tasks”, in the second place those words occur, substitute “ its tasks ”.

Textual Amendments

F1 Reg. 356(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(6)**

Commencement Information

I3 Reg. 356 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Article 5 of Commission Implementing Regulation (EU) 2017/373

357.—(1) Article 5 (powers of the competent authority referred to in Article 4) is amended as follows.

- (2) In paragraph 1—
 - (a) for “authorities” substitute “ authority ”, and
 - (b) for “their”, in both places it occurs, substitute “ its ”.
- (3) In paragraph 2—
 - (a) for “authorities” substitute “ authority ”, and
 - (b) for “their” substitute “ its ”.
- (4) In paragraph 3—
 - (a) for “national law of the Member State where the activities in question take place” substitute “ applicable law ”,
 - (b) omit “national” in the second place it occurs,
 - (c) after “prior” insert “ judicial ”, and
 - (d) omit “from the judicial authority of the Member State concerned”.
- (5) In paragraph 4—

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- (a) for “authorities” substitute “ authority ”,
- (b) for “they” substitute “ it ”, and
- (c) for “them” substitute “ it ”.

Commencement Information

I4 Reg. 357 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

PROSPECTIVE

Article 6 of Commission Implementing Regulation (EU) 2017/373

F2 358.

Textual Amendments

F2 Reg. 358 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), [regs. 1\(3\), 55\(7\)](#)

Article 9 of Commission Implementing Regulation (EU) 2017/373

359. In Article 9 (repeal and amendment) omit paragraph 2.

Commencement Information

I5 Reg. 359 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Article 10 of Commission Implementing Regulation (EU) 2017/373

360. Omit Article 10 (entry into force).

Commencement Information

I6 Reg. 360 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Further amendment of Commission Implementing Regulation (EU) 2017/373

361. After Article 10 omit the sentence which begins “This Regulation shall be binding”.

Commencement Information

I7 Reg. 361 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 26. (See end of Document for details)

PROSPECTIVE

Annex 1 to Commission Implementing Regulation (EU) 2017/373

^{F3}**362.**

Textual Amendments

F3 Reg. 362 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(8)**

Annex 2 to Commission Implementing Regulation (EU) 2017/373

363.—(1) Annex 2 (requirements for competent authorities – oversight of services and other ATM network functions) is amended as follows.

- (2) In point ATM/ANS.AR.A.001 (scope)—
 - (a) for “competent authorities responsible for” substitute “ competent authority so far as it exercises ”,
 - (b) after “enforcement” insert “ tasks ”, and
 - ^{F4}(c)
- (3) In point ATM/ANS.AR.A.005 (certification, oversight and enforcement tasks)—
 - (a) in point (b)—
 - (i) for “competent authorities”, in the first place those words occur, substitute “ competent authority ”,
 - (ii) omit point (3), and
 - (iii) omit the unnumbered paragraph after point (3), and
 - (b) omit point (c).
- (4) In point ATM/ANS.AR.A.015 (means of compliance)—
 - (a) omit point (a),
 - (b) in point (b) for “Alternative means of compliance (AltMOC)” substitute “ Means of compliance (MOC) ”,
 - (c) in point (c) for “AltMOC” substitute “ MOC ”,
 - (d) in point (d)—
 - (i) for “AltMOC”, in each place it occurs, substitute “ MOC ”, and
 - (ii) omit points (2) and (3), and
 - (e) in point (e)—
 - (i) for “AltMOC” substitute “ MOC ”, and
 - (ii) omit point (2) and the unnumbered paragraph after that point.
- (5) Omit point ATM/ANS.AR.A.020 (information to the Agency).
- (6) In point ATM/ANS.AR.A.025 (immediate reaction to safety problems)—
 - (a) omit point (b),
 - (b) in point (c) for “points (a) and (b)” substitute “ point (a) ”, and

- (c) in point (d) omit the second sentence.
- (7) In point ATM/ANS.AR.A.030 (safety directives) omit point (c).
- (8) In point ATM/ANS.AR.B.001 (management system)—
 - (a) in point (a)(1) for “that” substitute “ the ”, and
 - (b) omit points (c) and (d).
- ^{F5}(9)
- (10) In point ATM/ANS.AR.B.015 (record-keeping), in point (a)—
 - ^{F6}(a)
 - (b) in point (6)—
 - (i) for “the territory of the Member State” substitute “ the United Kingdom ”, and
 - (ii) for “another” substitute “ a ”, and
 - (c) in point (7)—
 - (i) omit “and notification to the Agency”, and
 - (ii) for “AltMOC”, in both places it occurs, substitute “ MOC ”.
- (11) In point ATM/ANS.AR.C.001 (monitoring of safety performance)—
 - (a) for “authorities”, in both places it occurs, substitute “ authority ”, and
 - (b) for “their”, in both places it occurs, substitute “ its ”.
- (12) In point ATM/ANS.AR.C.005 (certification, declaration and verification of service providers' compliance with the requirements)—
 - ^{F7}(a)
 - (b) in point (b)(6) for “national” substitute “ applicable ”.
- (13) In point ATM/ANS.AR.C.040 (review of a notified change to the functional system) omit point (a)(2).
- ^{F8}(14)
- (15) In point ATM/ANS.AR.C.050 (findings, corrective actions, and enforcement measures)—
 - (a) in point (c) omit “, with the designation act, if applicable,”, and
 - (b) in point (e)(1) omit “, and in the case of the Network Manager, it shall inform the Commission”.
- (16) In Appendix 1—
 - (a) omit “EUROPEAN UNION”,
 - (b) for “COMPETENT AUTHORITY” substitute “ THE CIVIL AVIATION AUTHORITY ”,
 - (c) for “competent authority” substitute “ Civil Aviation Authority ”,
 - (d) for “Competent authority”, in both places those words occur, substitute “ The Civil Aviation Authority ”,
- ^{F9}(e)
- (f) omit “For the Member State/EASA”.

Textual Amendments

- F4** Reg. 363(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 26. (See end of Document for details)

- F5** Reg. 363(9) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**
- F6** Reg. 363(10)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**
- F7** Reg. 363(12)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**
- F8** Reg. 363(14) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**
- F9** Reg. 363(16)(e) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(9)**

Commencement Information

- I8** Reg. 363 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Annex 3 to Commission Implementing Regulation (EU) 2017/373

364.—(1) Annex 3 (common requirements for service providers) is amended as follows.

^{F10}(2)

(3) In point ATM/ANS.OR.A.010 (application for a limited certificate)—

- (a) in point (a) for “Member State where its principal place of operation or, if any, registered office is located” substitute “ United Kingdom ”,
- (b) in point (b)—
- (i) in point (1) omit “, other than a provider of air traffic services”,
- (ii) in that point for “EUR 1 000 000” substitute “ £875,000 ”, and
- (iii) omit point (2),

^{F11}(c)

(d) omit point (d).

^{F12}(4)

(5) In point ATM/ANS.OR.A.020 (means of compliance)—

- (a) in point (a) for “Alternative means of compliance (AltMOC) to the AMC adopted by the Agency” substitute “ Means of compliance (MOC) ”,
- (b) in point (b)—
- (i) for “an AltMOC” substitute “ a MOC ”, and
- (ii) for “AltMOC”, in the second place it occurs, substitute “ MOC ”, and
- (c) in the unnumbered paragraph after point (b) omit “alternative”.

(6) In point ATM/ANS.OR.A.025 (continued validity of a certificate) in point (a)(1) for “competent authorities” substitute “ competent authority ”.

^{F13}(7)

(8) In point ATM/ANS.OR.A.050 (facilitation and cooperation) for “competent authorities referred to in Article 5” substitute “ competent authority ”.

(9) In point ATM/ANS.OR.A.065 (occurrence reporting) in point (a) for “Member State where the service provider provides its services” substitute “ competent authority ”.

(10) In point ATM/ANS.OR.A.075 (open and transparent provision of services) in point (b) for “Union” substitute “ applicable ”.

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Changes to legislation: There are currently no known outstanding effects for the The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 26. (See end of Document for details)

- F14(11)
- F15(12)
- F16(13)
- F17(14)

Textual Amendments

- F10** Reg. 364(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F11** Reg. 364(3)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F12** Reg. 364(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F13** Reg. 364(7) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F14** Reg. 364(11) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F15** Reg. 364(12) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F16** Reg. 364(13) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**
- F17** Reg. 364(14) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(10)**

Commencement Information

- I9** Reg. 364 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

PROSPECTIVE

Annex 13 to Commission Implementing Regulation (EU) 2017/373

- F18** **365.**

Textual Amendments

- F18** Reg. 365 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Air Traffic Management \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/694\)](#), regs. 1(3), **55(11)**

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019, CHAPTER 26.