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STATUTORY INSTRUMENTS

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**2019 No. 645**

**The Aviation Safety (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

**Amendment of principal EU Regulations**

**CHAPTER 2**

**Amendment of Regulation (EC) No 2111/2005**

**Regulation (EC) No 2111/2005 (banned operator list)**

15. Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC is amended in accordance with regulations 16 to 33.

**Amendment of the title of Regulation (EC) No 2111/2005**

16. The title is amended as follows—

- (a) in the first place it occurs, omit “Community”;
- (b) in the second place it occurs, for “Community” substitute “United Kingdom”.

**Amendment of Article 1 of Regulation (EC) No 2111/2005**

17.—(1) Article 1 (subject matter) is amended as follows.

(2) In paragraph 1, in point (a)—

- (a) for “Community list, based on common criteria” substitute “list, based on the criteria in the Annex”;
- (b) in the second place it occurs, for “Community” substitute “United Kingdom”.

(3) Omit paragraphs 2 and 3.

**Amendment of Article 2 of Regulation (EC) No 2111/2005**

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

(2) In point (f), for the words from “means” to the end substitute “means any permission granted under article 250(2) of the Air Navigation Order 2016, or any authorisation issued under Article 3 of Commission Regulation 452/2014 laying down technical requirements and administrative procedures related to air operations of third country operators”.

(3) In point (g)—

- (a) after “‘operating ban’ means” insert “a decision under article 250(1A) of the Air Navigation Order 2016, or”;
- (b) in both places it occurs, for “Community” substitute “United Kingdom”.
- (4) In point (h), for “Article 2(1) of [Directive 90/314/EEC](#)” substitute “regulation 2(5) of the Package Travel and Linked Travel Arrangements Regulations 2018(1)”.
- (5) In point (j), for “relevant Community law” substitute “any relevant enactment”.
- (6) After point (j) insert—
  - “(k) ‘the CAA’ means the Civil Aviation Authority;
  - (l) ‘third country’ means any country or territory other than the United Kingdom, British overseas territories, and the Channel Islands and the Isle of Man.”.

#### **Amendment of the heading for Chapter 2 of Regulation (EC) No 2111/2005**

- 19. In the heading for Chapter 2, for “Community” substitute “United Kingdom Safety”.

#### **Amendment of Article 3 of Regulation (EC) No 2111/2005**

- 20.—(1) Article 3 (establishment of the Community list) is amended as follows.
  - (2) In the heading, for “Community” substitute “United Kingdom Safety”.
  - (3) In paragraph 1—
    - (a) in the first sentence—
      - (i) in the first place it occurs, for “Community” substitute “United Kingdom on safety grounds”;
      - (ii) for “Community list” substitute “United Kingdom safety list”;
      - (iii) after “be established” insert “by the Secretary of State”;
    - (b) omit the second sentence.
  - (4) In paragraph 2—
    - (a) in the first place it occurs, omit “common”;
    - (b) for “imposing an operating ban on an air carrier” substitute “including an air carrier on the United Kingdom safety list”;
    - (c) in the second place the words occur, for “common criteria” substitute “criteria in the Annex”;
    - (d) for “The Commission may modify the Annex” substitute “The Secretary of State may modify the Annex by regulations”;
    - (e) omit the last sentence.
  - (5) Omit paragraphs 3 and 4.

#### **Amendment of Article 4 of Regulation (EC) No 2111/2005**

- 21.—(1) Article 4 (updating of the Community list) is amended as follows.
  - (2) In the heading, for “Community” substitute “United Kingdom safety”.
  - (3) In paragraph 1—
    - (a) at the start, for “Community” substitute “United Kingdom safety”;

- (b) for point (a) substitute—
  - “(a) to include an air carrier which is subject to an operating ban in the United Kingdom imposed on the basis of the criteria in the Annex;”;
- (c) in point (b)—
  - (i) in the first two places it occurs, for “Community” substitute “United Kingdom safety”;
  - (ii) for “common criteria” substitute “criteria in the Annex”;
  - (iii) in the third place it occurs, for “Community” substitute “United Kingdom safety”;
- (d) for point (c) substitute—
  - “(c) to modify the entry for an air carrier in the United Kingdom safety list to reflect a decision under article 250(1B) of the Air Navigation Order 2016 to amend a decision under article 250(1A) of that Order.”
- (4) In paragraph 2—
  - (a) for the words from the start to “Member State,” substitute “The Secretary of State, having consulted the CAA,”;
  - (b) in the first place it occurs, for “Community” substitute “United Kingdom safety”;
  - (c) for the words from “in accordance with” to “common criteria” substitute “on the basis of the criteria in the Annex”;
  - (d) in the second place it occurs, for “Commission” substitute “Secretary of State”;
  - (e) in the second place it occurs, for “Community” substitute “United Kingdom safety”.
- (5) Omit paragraph 3.

**Amendment of Article 5 of Regulation (EC) No 2111/2005**

- 22. Omit Article 5 (provisional measures for updating of the Community list).

**Amendment of Article 6 of Regulation (EC) No 2111/2005**

- 23. Omit Article 6 (exceptional measures).

**Amendment of Article 7 of Regulation (EC) No 2111/2005**

- 24. Omit Article 7 (rights of defence).

**Amendment of Article 8 of Regulation (EC) No 2111/2005**

- 25. Omit Article 8 (implementing measures).

**Amendment of Article 9 of Regulation (EC) No 2111/2005**

- 26.—(1) Article 9 (publication) is amended as follows.
- (2) In paragraph 1—
  - (a) for “Community” substitute “United Kingdom safety”;
  - (b) for “in the Official Journal of the European Union” substitute “by the CAA on the CAA website”.
- (3) In paragraph 2—

- (a) for “The Commission and the Member States” substitute “The Secretary of State and the CAA”;
  - (b) for “Community” substitute “United Kingdom safety”.
- (4) In paragraph 3—
- (a) for “national civil aviation authorities, the European Aviation Safety Agency” substitute “the CAA”;
  - (b) for “territory of the Member States” substitute “United Kingdom”;
  - (c) for “Community” substitute “United Kingdom safety”.

#### **Amendment of Article 10 of Regulation (EC) No 2111/2005**

- 27.—(1) Article 10 (scope) is amended as follows.
- (2) In paragraph 1—
- (a) for “Community” substitute “United Kingdom”;
  - (b) in points (a) and (b), for the words from “on territory” to the end substitute “in the United Kingdom”.
- (3) In paragraph 3, for the words from “Directive” to the end substitute “the Package Travel and Linked Travel Arrangements Regulations 2018 and Regulation (EC) No 80/2009”.

#### **Amendment of Article 12 of Regulation (EC) No 2111/2005**

28. In Article 12 (right to reimbursement or re-routing), in paragraph 2—
- (a) in point (a)—
    - (i) in the first place it occurs, for “Community” substitute “United Kingdom safety”;
    - (ii) in the second place it occurs, for “Community” substitute “United Kingdom”;
  - (b) in point (b)—
    - (i) in the first place it occurs, for “Community” substitute “United Kingdom safety”;
    - (ii) in the second place it occurs, for “Community” substitute “United Kingdom”.

#### **Amendment of Article 13 of Regulation (EC) No 2111/2005**

29. Omit Article 13 (penalties).

#### **Amendment of Article 14 of Regulation (EC) No 2111/2005**

30. Omit Article 14 (information and amendment).

#### **Amendment of Article 15 of Regulation (EC) No 2111/2005**

31. For Article 15 (including the heading) substitute—

#### *“Regulations*

1. Regulations made under this Regulation are to be made by statutory instrument.
2. Regulations made by the Secretary of State under this Regulation are subject to annulment in pursuance of a resolution of either House of Parliament.
3. Regulations made under this Regulation may—

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

#### **Further amendment of Regulation (EC) No 2111/2005**

**32.** After Article 17 (entry into force), omit the paragraph which begins “This Regulation shall be binding”.

#### **Amendment of the Annex to Regulation (EC) No 2111/2005**

**33.**—(1) The Annex (common criteria for consideration of an operating ban for safety reasons at Community level) is amended as follows.

(2) For the heading substitute “Criteria relevant to inclusion of an air carrier on the United Kingdom safety list”.

(3) In the first paragraph—

- (a) omit “on action at Community level”;
- (b) in the second place it occurs, for “action at Community level” substitute “inclusion on the United Kingdom safety list”.

(4) In the second paragraph—

- (a) for “totally or partially banned” substitute “included on the United Kingdom safety list”;
- (b) in point 1, omit the second indent;
- (c) in point 2, in the first indent, for “the civil aviation authority of a Member State” substitute “the CAA”;
- (d) in point 3—
  - (i) in the first indent, for “the civil aviation authority of a Member State” substitute “the CAA”;
  - (ii) in the second indent, in point (a), for “applicable Community law” substitute “relevant enactment”.