STATUTORY INSTRUMENTS

2018 No. 1080

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018

Sift requirements satisfied	*7th September 2018*
Made - - - -	*10th October 2018*
Laid before Parliament	*17th October 2018*
Coming into force in accordance with regulation 1(2)	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(**a**) (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Computer Reservation Systems (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

Amendment of EU Regulation (EC) 80/2009

2. Regulation (EC) 80/2009(**b**) is amended in accordance with regulations 2 to 14.

3. In Article 1, in the first and second paragraphs, for "Community" substitute "United Kingdom".

4. In Article 2, at the end of paragraph 15 insert—

";

16. 'the CAA' means the Civil Aviation Authority".

5. In Article 6, in paragraph 2, for "EUR 10 million" substitute "£8,700,000".

6. In Article 7, in paragraph 3, for "Community" substitute "United Kingdom".

(**a**) 2018 c. 16.
(**b**) OJ L 35, 4.02.2009, p.47.

7. In Article 8—

(a) in the heading, for "third" substitute "other";

(b) for paragraph 1 substitute—

"1. Without prejudice to international agreements to which the United Kingdom is a party, where the treatment of United Kingdom air carriers by a system vendor operating in another country is not equivalent to the treatment of the participating carriers of that country with regard to any matter contained in this Regulation, the CAA may require all system vendors operating in the United Kingdom to treat air carriers of that country in a manner that is equivalent to the treatment of United Kingdom air carriers in that country.";

(c) for paragraph 2 substitute—

"2. The CAA shall monitor the application of discriminatory or non-equivalent treatment of United Kingdom air carriers by system vendors in other countries. The CAA may investigate potential cases of discrimination against United Kingdom air carriers by a CRS in other countries. Where such discrimination is found, before taking a decision, the CAA must request that the Secretary of State consider informing the appropriate authority in that country to seek its comments and the CAA must inform interested parties and seek their comments.".

8. In Article 11—

(a) in paragraph 1, omit the words "data controller in accordance with Article 2(d) of Directive 95/46/EC(**a**)" and substitute "controller in accordance with Article 4(7) of Regulation (EU) 2016/679(**b**)";

(b) in paragraphs 3, 8 and 9, for "Directive 95/46/EC" substitute "Regulation (EU) 2016/679";

(c) in paragraph 9, for "that Directive", in each place it occurs, substitute "that Regulation";

(d) in paragraphs 8 and 9, for "Community" substitute "United Kingdom".

9. In Article 12, for "Commission", in each place where it occurs, substitute "CAA".

10. In Article 13—

(a) for "Commission" substitute "CAA";

(b) for "inquiry under Articles 81 and 82 of the Treaty" substitute "investigation of matters covered by Chapters I or II of the Competition Act 1998(**c**)".

11. In Article 14, for "Commission" substitute "CAA".

12. In Article 15—

(a) in paragraphs 1 and 2, for "Commission" substitute "CAA";

(b) in paragraph 5—

(i) for "Court of Justice of the European Communities" substitute "High Court";

(ii) for "Commission" substitute " CAA".

13. In Article 16—

(a) for "Commission", in each place it occurs, substitute "CAA";

(b) omit paragraph 2.

14. In Article 18—

(**a**) OJ L 281, 23.11.1995, p.31.

(**b**) OJ L 119, 4.5.2016, p.1.

(**c**) 1998 c. 41; sections 3(4), 6(1) and (6), 8 and 10(8) were amended by the Enterprise Act 2002 (c.40), Schedule 25, paragraph 38; sections 6(1), 6(6), 8 and 10(5), (7) and (8) were amended by the Enterprise and Regulatory Reform Act 2013 (c.24), Schedule 5, part 1, paragraphs 1, 2, 3 and 4; sections 6(6), 9(1) and 10(1), (9) and (10) were amended by S.I. 2004/1261; section 10(10) was amended by S.I. 2012/1809.

(a) for "Commission", in each place where it occurs, substitute "CAA";

(b) for "third", in both places where it occurs, substitute "other";

(c) in paragraph 2—

(i) for "European Parliament and to the Council" substitute "Secretary of State";

(ii) for "Community" substitute "United Kingdom";

(d) omit paragraph 3.

Signed by authority of the Secretary of State for Transport

Sugg of Coldharbour
Parliamentary Under Secretary of State
Department for Transport

10th October 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures in retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(b), (d), (g) and paragraph 21 of Schedule 7 to, the Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the field of computer reservation systems. They replace the European Commission as regulator with the United Kingdom Civil Aviation Authority and the Court of Justice of the European Union as appeal court with the High Court of England and Wales.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

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