Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No. 0000

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 23(1) of, and paragraphs 15(1) and 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force on IP completion day.

(3) Regulation 55 comes into force immediately before IP completion day.

(4) "IP completion day" has the same meaning as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(**b**).

PART 2

Amendment and revocation of retained direct EU legislation

CHAPTER 1

Amendment of Commission Implementing Regulation (EU) 2017/373

Commission Implementing Regulation (EU) 2017/373: introduction

2. 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 3 to 15.

Article 1 of Commission Implementing Regulation (EU) 2017/373

3. In Article 1 (subject matter), point 2—

(a) for "authorities" substitute "authority", and

(b) for "their" substitute "its".

(**a**) 2018 c. 16. Sections 8 and 23 and Schedule 7 were amended by sections 27 of, and Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**b**) 2020 c. 1.

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

4. In Article 2 (definitions) after point (1) insert—

"(1A) 'the CAA' means the Civil Aviation Authority;".

Article 3 of Commission Implementing Regulation (EU) 2017/373

5.—(1) Article 3 (provision of ATM/ANS and ATM network functions) is amended as follows.

(2) In paragraph 1 for "Member States" substitute "The Secretary of State".

(3) In paragraph 2—

(a) for "Member States adopt" substitute "the Secretary of State adopts",

(b) omit "on any matters left to the Member States under this Regulation",

(c) for "in addition to notifying" substitute "the Secretary of State shall notify", and

(d) omit ", the Member States shall notify the European Aviation Safety Agency (the 'Agency')".

(4) In paragraph 3—

(a) for "Member States" substitute "The CAA", and

(b) for "their" substitute "its".

(5) In paragraph 4—

(a) for "a Member State" substitute "the Secretary of State",

(b) for "that Member State" substitute "he or she", and

(c) omit "Union and national".

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

6.—(1) Article 4 (competent authority for certification, oversight and enforcement) is amended as follows.

(2) For paragraph 1 substitute—

"1. The competent authority responsible for the issuing of certificates to service providers, for the acknowledgement of receipts of declarations made by providers of flight information services referred to in Article 7 where relevant and for oversight and enforcement in respect of service providers shall be the CAA.".

(3) Omit points 3, 4 and 7.

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

7.—(1) Article 6 (service providers) is amended as follows.

(2) In point (c) omit ", and providers of air traffic flow management and the Network Manager".

(3) In point (k) omit ", when those requirements will be adopted by the Commission".

(4) Omit point (l).

Article 7 of Commission Implementing Regulation (EU) 2017/373

8. In Article 7 (declaration by providers of flight information services) for "Member States allow" substitute "the Secretary of State allows".

Article 8 of Commission Implementing Regulation (EU) 2017/373

9. In Article 8 (existing certificates), in paragraph 2, for "Member States" substitute "The competent authority".

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

10. In Article 9 (repeal and amendment) omit paragraph 3.

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

11.—(1) Annex 1 (definition of terms used in Annexes 2 to 13) is amended as follows.

(2) In point (1) for "Agency" substitute "competent authority".

(3) In point (23)—

(a) for "alternative means of compliance (AltMOC)" substitute "means of compliance (MOC)", and

(b) for "Agency" substitute "competent authority".

(4) For point (30) substitute—

"(30) 'ATM network functions' means the air traffic management (ATM) functions mentioned in Article 6(2) of Regulation (EU) No 551/2004;".

(5) In point (32)—

(a) in point (a) for "a State authority" substitute "the competent authority",

(b) in point (b)—

(i) for "State authority" substitute "competent authority", and

(ii) for "that State" substitute "the Secretary of State".

(6) In point (36) for "Agency" substitute "competent authority".

(7) In point (59) for "Agency" substitute "competent authority".

(8) In point (88) for "a competent authority" substitute "the competent authority".

(9) In point (108) for "Member States" substitute "United Kingdom".

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

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

(2) In point ATM/ANS.AR.A.005 (certification, oversight and enforcement tasks) in point (b)(2) for "they are" substitute "it is" and for "their" substitute "its".

(3) In point ATM/ANS.AR.A.015 (means of compliance) omit point (e)(2) and the unnumbered point that follows it.

(4) In point ATM/ANS.AR.B.010 (changes in the management system) for "Agency" substitute "Secretary of State".

(5) In point ATM/ANS.AR.C.005 (certification, declaration and verification of service providers' compliance with the requirements) in point (b)(5) omit "Article 9 of Regulation (EC) No 549/2004,".

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

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

(2) In the title for SUBPART D omit the words "AND ATFM PROVIDERS AND THE NETWORK MANAGER".

(3) In point ATM/ANS.OR.D.001 (scope) for "and air traffic flow management (ATFM) providers and the Network Manager" substitute "providers".

(4) In point ATM/ANS.OR.D.005 (business, annual, and performance plans)—

(a) in point (a) (business plan)—

(i) in point (1) omit "and air traffic flow management",

(ii) in point (1)(i)—

(aa) omit "and of the air traffic flow management",

(bb) omit "or of the air traffic flow management provider", and

(cc) for "Union" substitute "applicable",

(iii) in point (1)(ii) for "Commission Implementing Regulation (EU) No 390/2013" substitute "Chapter IV of Part 1 of the Transport Act 2000",

(iv) in point (2) for "the performance plan referred to in Article 11 of Regulation (EC) No 549/2004" substitute "any performance plan that may be required pursuant to Chapter IV of Part 1 of the Transport Act 2000",

(v) in point (3)—

(aa) omit "and air traffic flow management", and

(bb) omit the words from "and identifying" to the end of the point;

(b) in point (b) (annual plan)—

(i) in point (1) omit "and air traffic flow management",

(ii) in point (2)(i) omit "or of the air traffic flow management provider", and

(iii) in point (2)(ii) for "the performance plan referred to in Article 11 of Regulation (EC) No 549/2004" substitute "any performance plan that may be required pursuant to Chapter IV of Part 1 of the Transport Act 2000",

(iv) in each of points (iii) and (iv) omit "and air traffic flow management"; and

(c) in point (c) (performance part of the plans)—

(i) omit "and the air traffic flow management",

(ii) for "Commission" substitute "competent authority", and

(iii) for "national" substitute "applicable".

(5) In point ATM/ANS.OR.D.010 (security management) in points (a), (c) and (d) for "and air traffic flow management providers and the Network Manager" substitute "providers" in each place where it occurs.

(6) In point ATM/ANS.OR.D.015 (financial strength – economic and financial capacity) omit "and air traffic flow management".

(7) In point ATM/ANS.OR.D.020 (liability and insurance cover)—

(a) in points (a) and (c) for "and air traffic flow management providers and the Network Manager" substitute "providers" in each place where it occurs, and

(b) in point (b) omit "and the Network Manager".

(8) In point ATM/ANS.OR.D.025 (reporting requirements)—

(a) in points (a), (b) and (d)(2) omit "and air traffic flow management" in each place where it occurs,

(b) in point (a) for "shall" substitute "may, under any requirement pursuant to Chapter IV of Part 1 of the Transport Act 2000, be required to",

(c) omit points (c) and (d)(3),

(d) in point (d) for "reports" substitute "report" and omit "and (c)",

(e) in point (d)(2) for "the annual plan" substitute "any plan required pursuant to Chapter IV of Part 1 of the Transport Act 2000",

(f) in point (4) for "the reference period referred to in Article 11 of Regulation (EC) No 549/2004" substitute "any relevant reference period that may be established pursuant to Chapter IV of Part 1 of the Transport Act 2000", and

(g) in point (e)—

(i) for "and air traffic flow management providers and the Network Manager" substitute "providers",

(ii) for "Commission and the Agency" substitute "competent authority",

(iii) for "their" substitute "its", and

(iv) for "Union and national" substitute "applicable".

Annex 4 to Commission Implementing Regulation (EU) 2017/373

14.—(1) Annex 4 (specific requirements for providers of air traffic services) is amended as follows.

(2) In point ATS.OR.100 (ownership), in point (a), for "authorities" substitute "authority".

(3) In point ATS.OR.105 (open and transparent provision of service) omit "Union and national".

(4) In point ATS.OR.305 (responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers), in point (b), for "Directive 95/46/EC of the European Parliament and of the Council and to the applicable national" substitute "Regulation (EU) 2016/679 and the applicable".

Annex 12 to Commission Implementing Regulation (EU) 2017/373

15. Omit Annex 12 (specific requirements for the Network Manager).

CHAPTER 2

Amendment of Commission Implementing Regulation (EU) 2019/123

Commission Implementing Regulation (EU) 2019/123: introduction

16. Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 is amended in accordance with regulations 17 to 52.

Article 1 of Commission Implementing Regulation (EU) 2019/123

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

(2) Omit paragraph 1.

(3) In paragraph 3—

(a) for "Member States, the Network Manager, the European Union Aviation Safety Agency (the Agency)," substitute "the CAA",

(b) after "airport operators," insert "and", and

(c) omit ", at local, national or functional airspace block level".

(4) In paragraph 4 for the words from "within the ICAO EUR region" to the end of the paragraph substitute "under the responsibility of the United Kingdom".

Article 2 of Commission Implementing Regulation (EU) 2019/123

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

(2) In point (1) for "Network Manager" substitute "CAA" and for "European Air Traffic Management Network (the network)" substitute "UK ATMS"(**a**).

(3) In point (3) for "national laws or regulations" substitute "United Kingdom legislation".

(4) In point (5) after "means" insert "the CAA and".

(**a**) "UK ATMS" is defined in regulation 4(10) of S.I. 2019/459.

(5) In point (6) after "Regulation (EC) No 551/2004" insert ", as that Regulation has effect in EU law as amended from time to time(**a**)".

(6) Omit point (7).

(7) In point (8)—

(a) for "the regulatory" substitute "any regulatory", and

(b) for "single European sky as referred to in Article 11 of Regulation (EC) No 549/2004" substitute "United Kingdom pursuant to Chapter IV of Part 1 of the Transport Act 2000".

(8) In point (9) after "Articles 15 to 17" insert "of Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time(**b**)".

(9) Omit points (10), (11), (13), (16) and (17).

Article 3 of Commission Implementing Regulation (EU) 2019/123

19.—(1) Article 3 (components of the network) is amended as follows.

(2) In paragraph 1 for "EATMN" substitute "UK ATMS".

(3) In paragraph 2—

(a) omit "and the Network Manager",

(b) omit "respective",

(c) for "in accordance with" substitute "having taken due account of",

(d) after "Network Strategy Plan" insert "specified in Article 8 of Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time,(**c**)",

(e) for "Articles 8 and 9 respectively" substitute "Article 9",

(f) omit "and Union-wide", and

(g) for "the performance scheme" substitute "any performance scheme established pursuant to Chapter IV of Part 1 of the Transport Act 2000".

Article 4 of Commission Implementing Regulation (EU) 2019/123

20. For Article 4 (appointment of the Network Manager and duties of the Network Manager following its appointment) substitute—

"Article 4

Annexes 1 to 4

Annexes 1 to 4 make provision about the European route network design function, the air traffic flow management function, the radio frequency function and the transponder code function.".

Article 5 of Commission Implementing Regulation (EU) 2019/123

21. Omit Article 5 (assessment).

Article 6 of Commission Implementing Regulation (EU) 2019/123

22. Omit Article 6 (conditions of withdrawal).

(**a**) OJ L 96, 31.3.2004, p. 20.
(**b**) OJ L 28, 31.1.2019, p. 1-45.
(**c**) OJ L 28, 31.1.2019, p. 1-45.

Article 7 of Commission Implementing Regulation (EU) 2019/123

23. Omit Article 7 (tasks of the Network Manager).

Article 8 of Commission Implementing Regulation (EU) 2019/123

24. Omit Article 8 (Network Strategy Plan).

Article 9 of Commission Implementing Regulation (EU) 2019/123

25.—(1) Article 9 (Network Operations Plan) is amended as follows.

(2) Omit paragraphs 1 to 6.

(3) In paragraph 7 for "and implement the operational actions referred to in point (b) of paragraph 4" substitute "established by the Network Manager under Article 9 of Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time(**a**)".

(4) Omit paragraph 8.

Article 10 of Commission Implementing Regulation (EU) 2019/123

26. Omit Article 10 (remedial measures).

Article 11 of Commission Implementing Regulation (EU) 2019/123

27.—(1) Article 11 (relations with operational stakeholders) is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 2—

(a) for "Network Manager" substitute "CAA", and

(b) after "shall" insert "endeavour to".

(4) In paragraph 3 for "at local or functional airspace block level" substitute "by them".

(5) In paragraph 4 for "I to VI" substitute "1 to 4".

Article 12 of Commission Implementing Regulation (EU) 2019/123

28.—(1) Article 12 (relations with Member States) is amended as follows.

(2) In the heading for "Relations with Member States" substitute "Results of the coordinated decision-making process".

(3) Omit paragraphs 1 and 2.

(4) In paragraph 3—

(a) for "Member States' authorities" substitute "the CAA or operational stakeholders",

(b) for "the Network Manager shall consult them within" substitute "and they are part of",

(c) for "and they shall" substitute "they must", and

(d) omit "at national level".

Article 13 of Commission Implementing Regulation (EU) 2019/123

29. Omit Article 13 (relations with functional airspace blocks).

(**a**) OJ L 28, 31.1.2019, p. 1-45.

Article 14 of Commission Implementing Regulation (EU) 2019/123

30.—(1) Article 14 (civil-military cooperation) is amended as follows.

(2) In paragraph 1 for "Member States" substitute "The Secretary of State".

(3) In paragraph 2—

(a) for "Member States shall" substitute "The Secretary of State must endeavour to", and

(b) at the end insert "under Articles 16 and 17 of Commission Implementing Regulation (EU) No 2019/123 as that Regulation has effect in EU law as amended from time to time(**a**)".

(4) Omit paragraphs 3 and 4.

Article 15 of Commission Implementing Regulation (EU) 2019/123

31. Omit Article 15 (cooperative decision-making).

Article 16 of Commission Implementing Regulation (EU) 2019/123

32. Omit Article 16 (consultation process).

Article 17 of Commission Implementing Regulation (EU) 2019/123

33. Omit Article 17 (working arrangements and processes for operations).

Article 18 of Commission Implementing Regulation (EU) 2019/123

34. Omit Article 18 (Network Management Board).

Chapter IV of Commission Implementing Regulation (EU) 2019/123

35. Omit the heading "Chapter IV Network Crisis Management".

Article 19 of Commission Implementing Regulation (EU) 2019/123

36. Omit Article 19 (European Aviation Crisis Coordination Cell).

Article 20 of Commission Implementing Regulation (EU) 2019/123

37. Omit Article 20 (responsibilities of the Network Manager).

Chapter V of Commission Implementing Regulation (EU) 2019/123

38. For the heading to Chapter V substitute "MONITORING AND REPORTING".

Article 21 of Commission Implementing Regulation (EU) 2019/123

39. Omit Article 21 (information and consultation of the Member States).

Article 22 of Commission Implementing Regulation (EU) 2019/123

40.—(1) Article 22 (monitoring and reporting) is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 2—

(a) omit the first sentence,

(**a**) OJ L 28, 31.1.2019, p. 1-45.

(b) for "this process" substitute "the Network Manager's function under Article 22 of Commission Implementing Regulation (EU) No 2019/123 as that Regulation has effect in EU law as amended from time to time(**a**)", and

(4) omit paragraph 3.

Article 23 of Commission Implementing Regulation (EU) 2019/123

41. Omit Article 23 (supervision of the Network Manager).

Chapter VI of Commission Implementing Regulation (EU) 2019/123

42. Omit the heading "Chapter VI Relations With Third Countries".

Article 24 of Commission Implementing Regulation (EU) 2019/123

43. Omit Article 24 (participation of third countries in the work of the Network Manager).

Article 25 of Commission Implementing Regulation (EU) 2019/123

44. Omit Article 25 (financing and budget of the Network Manager).

Article 27 of Commission Implementing Regulation (EU) 2019/123

45. Omit Article 27 (entry into force).

Further amendment of Commission Implementing Regulation (EU) 2019/123

46. After Article 27 omit the sentence which begins "This Regulation shall be binding".

Annex 1 to Commission Implementing Regulation (EU) 2019/123

47.—(1) Annex 1 (The European Route Network Design function) is amended as follows.

(2) Omit Part A (objective and scope).

(3) In Part B (procedure for the development of the European Route Network Improvement Plan)—

(a) for point 1 substitute—

"1. The Secretary of State, airspace users and air navigation service providers must participate in the development and review of the European Route Network Improvement Plan referred to in Part A of Annex I to Commission Implementing Regulation (EU) 2019/123, as that Regulation has effect in EU law as amended from time to time(**b**), while applying the airspace design principles set out in this Annex.", and

(b) omit points 2 and 3.

(4) In Part C (airspace design principles)—

(a) in point 1—

(i) for "developing" substitute "participating in",

(ii) for "Network Manager, Member States" substitute "Secretary of State",

(iii) omit "acting as part of functional airspace blocks or individually,",

(iv) in point (a) omit "or functional airspace block",

(v) in point (g) omit the last sentence, and

(**a**) OJ L 28, 31.1.2019, p. 1-45.
(**b**) OJ L 28, 31.1.2019, p. 1-45.

(vi) in point (j) omit "or functional airspace block",

(b) in point 2—

(i) for "Network Manager, Member States, functional airspace blocks" substitute "Secretary of State", and

(ii) omit "(the latter acting as part of functional airspace blocks or individually)".

(5) Omit Part D (ongoing monitoring of performance achievements at network level).

Annex 2 to Commission Implementing Regulation (EU) 2019/123

48.—(1) Annex 2 (air traffic flow management function) is amended as follows.

(2) In Part A (objective and scope)—

(a) in point 1, point (a), for "European air traffic management network (EATMN)" substitute "UK ATMS",

(b) in point 2 for "EATMN" substitutes "UK ATMS",

(c) in point 5 omit point (f),

(d) in point 6—

(i) for "central unit for ATFM" substitute "unit providing central ATFM", and

(ii) omit "at functional airspace block level",

(e) after point 6 insert—

"6a. 'Central ATFM' means the air traffic flow management functions provided centrally by Eurocontrol where it compares flight plans with available airspace capacity and makes adjustments to minimise delays in air traffic;", and

(f) in point 7 omit "and the Network Manager through its central unit for ATFM".

(3) In Part B (planning and operational principles)—

(a) in point 1 omit "Network Manager and the",

(b) in point 2 for "between the Network Manager working arrangements supporting the ATFM function and" substitute "with",

(c) in point 4—

(i) in points (a)(ii) and (iii) and (b) for "EATMN" substitute "UK ATMS" in the four places where it occurs, and

(ii) in point (c) for "Network Manager" substitute "CAA",

(d) in point 5—

(i) for "Member States shall" substitute "The Secretary of State must endeavour to", and

(ii) in point (c)—

(aa) omit "with the Network Manager", and

(bb) for "its central unit for ATFM" substitute "the unit providing central ATFM",

(e) in point 6—

(i) for "Network Manager shall" substitute "Secretary of State must endeavour to",

(ii) in points (a), (e) and (n) for "EATMN" substitute "UK ATMS" in each of the three places where it occurs, and

(iii) in point (d) for "Network Manager shall" substitute "Secretary of State must endeavour to",

(f) in point 7—

(i) in point (a)—

(aa) omit "with the Network Manager", and

(bb) for "EATMN" substitute "UK ATMS", and

(ii) in points (c) and (d) for "Network Manager" substitute "CAA" in both places where it occurs,

(g) in point 8 for "Network Manager" substitute "CAA",

(h) in point 10—

(i) in point (a)—

(aa) insert "endeavour to" at the beginning,

(bb) for "Network Manager" substitute "unit" in the first place where it occurs, and

(cc) omit "with the Network Manager",

(ii) in points (b) and (c) for "Network Manager" substitute "unit" in both places where it occurs,

(iii) in point (d)—

(aa) for "the Network Manager" substitute ", and in endeavouring to coordinate with the unit", and

(bb) omit the last sentence,

(iv) in point (e) for "Network Manager" substitute "CAA and the unit providing central ATFM",

(v) in point (f) for "the Network Manager" substitute ", in endeavouring to coordinate with the unit providing central ATFM", and

(vi) in point (g)—

(aa) omit "in order to enable the Network Manager to assist local ATFM units", and

(bb) for "Network Manager" in the second place where it occurs substitute "unit providing central ATFM",

(i) in point 11 for "Network Manager" substitute "unit",

(j) in point 12, point (c), and point 13, points (a)(i) and (ii), for "Network Manager", in the three places where it occurs, substitute "unit providing central ATFM",

(k) in point 14—

(i) in points (a) and (b) for "Network Manager", in the three places where it occurs, substitute "unit providing central ATFM", and

(ii) in point (d) for "Network Manager shall report" substitute "Secretary of State must endeavour to ensure that the unit providing central ATFM reports",

(l) in point 15—

(i) for "ensure full coordination" substitute "coordinate",

(ii) for "Network Manager" substitute "unit providing central ATFM", and

(iii) omit "and the associated data exchange", and

(m) in point 16—

(i) in point (a)—

(aa) for "Network Manager shall develop, maintain and publish" substitute "Secretary of State must endeavour to ensure that the unit providing central ATFM develops, maintains and publishes", and

(bb) omit "at the network level", and

(ii) in point (b)—

(aa) for "Network Manager" substitute "unit providing central ATFM", and

(bb) in point (iii) omit "Member States'".

(4) In Part C (monitoring of the ATFM function)—

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

(b) in point 2—

(i) for "Member States shall" substitute "The Secretary of State must endeavour to",

(ii) omit "as identified by the Network Manager,", and

(iii) omit the last sentence,

(c) in point 3—

(i) for "Network Manager" substitute "CAA" in the first place where it occurs, and

(ii) omit the last sentence,

(d) for point 4 substitute—

"4. The Secretary of State must endeavour to ensure that the unit providing central ATFM notifies the Secretary of State if exemptions in excess of 0,6 % of the United Kingdom's annual departures are granted.",

(e) in point 5—

(i) for "Network Manager shall ensure" substitute "Secretary of State must endeavour to ensure", and

(ii) for "Network Manager shall produce" substitute "Secretary of State must endeavour to ensure that the unit providing central ATFM produces", and

(iii) omit "to be submitted to the Commission",

(f) in point 6 for "Network Manager" substitute "Secretary of State",

(g) in point 7—

(i) for "Network Manager shall produce" substitute "Secretary of State must endeavour to ensure that the unit providing central ATFM produces",

(ii) omit "and submit them to the Commission. The reports shall", and

(iii) for "and shall include details of" substitute "including", and

(h) in point 8—

(i) for "Network Manager shall" substitute "Secretary of State must endeavour to",

(ii) at the end of the first sentence insert "by the unit providing central ATFM", and

(iii) omit the second and third sentences.

Annex 3 to Commission Implementing Regulation (EU) 2019/123

49.—(1) Annex 3 (the radio frequency function) is amended as follows.

(2) In Part A (objective and scope), in point 2—

(a) for "Network Manager and" substitute "CAA as",

(b) for "managers shall agree on" substitute "manager shall establish",

(c) for "European aviation network" substitute "UK ATMS", and

(d) omit the second sentence.

(3) In Part B (requirements for the execution of the function)—

(a) in point 1—

(i) for "Member States shall appoint a competent person, authority or organisation as" substitute "The CAA is the", and

(ii) omit the second sentence,

(b) omit points 2 and 3,

(c) in point 4—

(i) for "managers" substitute "manager", and

(ii) omit the second and third sentences,

(d) in point 5—

(i) for "Network Manager and the national frequency managers shall" substitute "national frequency manager must assist the Network Manager to", and

(ii) omit the second sentence,

(e) in point 6 omit "appropriate",

(f) in point 7—

(i) for "managers and the Network Manager shall" substitute "manager must assist the Network Manager to", and

(ii) omit the second and third sentences,

(g) in point 8—

(i) for "managers" substitute "manager", and

(ii) after "point 12" insert "of Annex III to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time(**a**)",

(h) omit point 9,

(i) in point 10 omit the second sentence,

(j) in point 12 in the point following paragraph (d) —

(i) for "Member States" substitute "The CAA",

(ii) for "their" substitute "the United Kingdom's", and

(iii) at the end insert "In this Annex "the central register" means the register developed and maintained by the Network Manager under Article 1(e) of Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time(**b**).",

(k) in point 14 for "manager(s)" substitute "manager" in both places where it occurs,

(l) in point 15 for "managers" substitute "manager",

(m) in point 16—

(i) omit "Network Manager and the",

(ii) for "manager(s)" substitute "manager", and

(iii) omit the words beginning with "The Network Manager shall set up such procedures" to the end of the point, and

(n) omit point 17.

(4) In Part C (requirements for the organisation of the frequency function)—

(a) omit points 1, 2 and 3,

(b) in point 4 for "Member States" substitute "The Secretary of State".

Annex 4 to Commission Implementing Regulation (EU) 2019/123

50.—(1) Annex 4 (the radar transponder codes function) is amended as follows.

(2) In Part A (objectives and general requirements)—

(a) in the title for "Objectives and general" substitute "General",

(b) omit point 2,

(c) in point 3—

(i) for "Network Manager" substitute "CAA",

(ii) omit "Member States",

(**a**) OJ L 28, 31.1.2019, p. 1-45.
(**b**) OJ L 28, 31.1.2019, p. 1-45.

(iii) omit "and third countries", and

(iv) after "SSR codes" insert "within the United Kingdom flight information regions",

(d) in point 4 for "Network Manager" substitute "CAA",

(e) in point 5, point (c), for "Member States in accordance with the requirements laid down in Part B" substitute "neighbouring States",

(f) omit point 6,

(g) in point 7—

(i) for "Member States" substitute "The CAA", and

(ii) after the words "point 3" insert "of Annex IV to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time(**a**)",

(h) omit points 8 and 9,

(i) in point 10 for "Network Manager, Member States and air navigation service providers shall" substitute "Secretary of State must assist the Network Manager and air navigation service providers to",

(j) omit point 11,

(k) in point 13 for "Network Manager" substitute "CAA",

(l) omit point 14,

(m) in point 15 for "Member States" substitute "The CAA",

(n) omit points 16, 17, 18, 19, 20 and 21,

(o) in point 22 for "Network Manager, Member States, and Mode S operators shall" substitute "Secretary of State must assist the Network Manager and Mode S operators to", and

(p) omit point 23.

(3) In Part B (requirements for the specific consultation mechanisms)—

(a) omit point 1,

(b) in point 2 for "Network Manager, in coordination with national military authorities, shall" substitute "Secretary of State must assist the Network Manager to",

(c) omit points 3 and 4, and

(d) in point 5 for "Network Manager, in coordination with national military authorities, shall" substitute "Secretary of State must assist the Network Manager to".

(4) In Part C (requirements for the provision of data)—

(a) in point 1—

(i) for "comply" substitute "be compatible", and

(ii) after the words "Part A" insert "of Annex IV to Commission Implementing Regulation (EU) 2019/123 as that Regulation has effect in EU law as amended from time to time(**b**)",

(b) in point 2—

(i) for "Member States shall" substitute "The CAA must", and

(ii) omit "prescribed by the Network Manager",

(c) in point 3 omit "prescribed by the Network Manager",

(d) in point 4 for "Member States" substitute "the CAA",

(e) in point 6—

(**a**) OJ L 28, 31.1.2019, p. 1-45.
(**b**) OJ L 28, 31.1.2019, p. 1-45.

(i) for "Member States shall" substitute "The CAA must", and

(ii) omit "prescribed by the Network Manager", and

(f) omit points 7 and 8.

Annex 5 to Commission Implementing Regulation (EU) 2019/123

51. Omit Annex 5 (template for Network Strategy Plan).

Annex 6 to Commission Implementing Regulation (EU) 2019/123

52. Omit Annex 6 (template for Network Operations Plan).

CHAPTER 3

Revocation of Commission Implementing Regulation (EU) 2019/317

Commission Implementing Regulation (EU) 2019/317

53. Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 is revoked.

PART 3

Revocation of EU decision

Commission Implementing Decision (EU) 2019/903

54. Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 is revoked.

PART 4

Amendment of subordinate legislation

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

55.—(1) The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) Omit regulations 65 to 73 (Amendment of Commission Regulation (EC) No 482/2008).

(3) Omit regulations 189 to 222 (Amendment of Commission Regulation (EU) No 677/2011).

(4) Omit regulations 223 to 244 (Amendment of Commission Implementing Regulation (EU) No 1034/2011).

(5) Omit regulations 245 to 259 (Amendment of Commission Implementing Regulation (EU) No 1035/2011).

(6) Omit regulation 356(2) (Article 4 of Commission Implementing Regulation (EU) No 2017/373).

(7) Omit regulation 358 (Article 6 of Commission Implementing Regulation (EU) No 2017/373).

(**a**) S.I. 2019/459. The reference to exit day in regulation 1(2) (commencement) is to be read as a reference to IP completion day, by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(8) Omit regulation 362 (Annex 1 to Commission Implementing Regulation (EU) No 2017/373).

(9) Omit regulation 363(2)(c), (9), (10)(a), (12)(a), (14) and (16)(e) (Annex 2 to Commission Implementing Regulation (EU) No 2017/373).

(10) Omit regulation 364(2), (3)(c), (4), (7), (11), (12), (13) and (14) (Annex 3 to Commission Implementing Regulation (EU) No 2017/373).

(11) Omit regulation 365 (Annex 13 to Commission Implementing Regulation (EU) No 2017/373).

(12) Omit regulation 371 (Commission Decision of 20.5.2011).

(13) Omit regulation 373 (Commission Implementing Decision of 9.12.2011).

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 8(1) and 23(1) of, and Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a), (b), (c), (e) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to and revocations of legislation in the field of air traffic management. Part 2 covers retained direct EU legislation, Part 3 covers an EU decision, and Part 4 amends subordinate UK legislation.

Of note in these Regulations are the following changes.

Regulation 6 confirms the Civil Aviation Authority as the competent authority for the purposes of Commission Implementing Regulation (EU) 2017/373 responsible for certification, oversight and enforcement in respect of air traffic management and air navigation service providers.

Regulation 53 revokes Commission Implementing Regulation (EU) 2019/317 which sets out a performance and charging scheme in the single European sky for the period from 1st January 2020 to 31st December 2024.

Regulation 54 revokes Commission Implementing Decision (EU) 2019/903 which sets the Union-wide performance targets for the air traffic management network from 1st January 2020 to 31st December 2024.

Regulation 55 amends the Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/459).

A full impact assessment has not been produced for this instrument, as no significant impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been published alongside these Regulations on the UK legislation website, www.legislation.gov.uk.

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