This draft Statutory Instrument supersedes the draft instrument of the same title which was laid before Parliament and published on 15th October 2020 (ISBN 978-0-348-21373-7). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

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. XXX

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 8(1) and 23(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**) and section 41(1) of the European Union (Withdrawal Agreement) Act 2020(**b**), makes the following Regulations.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020.

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

(3) This regulation, in so far as it relates to regulation 86, and regulation 86 come into force immediately before IP completion day.

Amendment of Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems

2. Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems is amended in accordance with regulations 3 to 57.

(**a**) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) 2020 c. 1.

3.—(1) Article 1 is amended as follows.

(2) In paragraph 2, omit "and on their free movement in the Union".

(3) In paragraph 3, for "pursuant to Implementing Regulation (EU) 2019/947 within the single European sky airspace" substitute "in the United Kingdom".

4.—(1) Article 2 is amended as follows.

(2) In paragraph 1, in point (a), omit "or to operational declarations under the 'specific' category of UAS operations".

(3) In paragraph 2, omit "except when conducted under a declaration".

(4) In paragraph 3, for "Union" substitute "United Kingdom".

5.—(1) Article 3 is amended as follows.

(2) Omit paragraphs (8) and (12).

(3) In paragraph (14) for "established within the Union" substitute "established in the United Kingdom".

(4) In paragraph (15)—

(a) for "established within the Union" substitute "established in the United Kingdom";

(b) for "on the Union market" substitute "on the market".

(5) In paragraph (18) for "Union market" substitute "United Kingdom".

(6) In paragraph (19) for "on the Union Market" substitute "in the United Kingdom".

(7) Omit paragraph (20).

(8) For paragraph (23) substitute—

"(23) 'market surveillance authority' means an authority prescribed in accordance with Article 3B;".

(9) Omit paragraph (26).

(10) In paragraph (32) for "Member States" substitute "the CAA".

(11) In paragraph (35) omit "established in the Community".

(12) At the end of paragraph (40) insert—

"— ;

(41) 'market surveillance' means the activities carried out and measures taken by public authorities to ensure that products comply with the requirements set out in any relevant enactment and do not endanger health, safety or an any other aspect of public interest protection;

(42) 'the EU Regulation' means Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems as that Regulation has effect in EU law as amended from time to time(**a**);

(43) 'designated standard' has the meaning provided in Article 3A;

(44) 'approved body' means a conformity assessment body which has been approved by the Secretary of State under Article 18;

(45) 'UK marking' means a marking in the form published in accordance with Article 30(1) of RAMS;

(46) 'RAMS' means Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93;

(47) 'the CAA' means the Civil Aviation Authority;

(**a**) OJ L 152, 11.6.2019, p.1.

(48) ‘third country’ means any country or territory other than the United Kingdom.”.

6. After Article 3 insert—

“Article 3A

Designated Standards

1. For the purposes of this Regulation, a “designated standard” is a technical standard—

(a) which is adopted by the British Standards Institution for repeated or continuous application; and

(b) which has been designated by the Secretary of State by publishing its reference number in a manner the Secretary of State considers appropriate.

2. In this Article, a “technical standard” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

(a) the characteristics required including—

(i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and

(ii) requirements applicable as regards the name under which a product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;

(b) production methods and processes where these have an effect on the characteristics of a product.

3. When considering whether the manner of publication of a technical standard under paragraph 1(b) is appropriate, the Secretary of State must have regard to whether that manner will draw sufficient attention to the standard to all persons who may have an interest in it.

4. The Secretary of State may remove the reference number of a technical standard from publication and where such a reference is removed, the technical standard is no longer a designated standard.

5. Harmonised standards, as defined in Article 3(20) of the EU Regulation, the references of which have been published in the Official Journal of the European Union, have effect as designated standards until the Secretary of State designates standards under this Regulation.”.

7. After Article 3A insert—

“Article 3B

Market Surveillance Authorities

1. The Secretary of State may prescribe by regulations one or more public authorities as market surveillance authorities for the purposes of this Regulation.

2. Regulations made under this Article are to be made by statutory instrument.

3. Regulations made under this Article may—

(a) make different provision for different purposes or areas;

(b) include supplementary, incidental or consequential provision;

(c) make transitional, transitory or saving provision”.

8. In the heading to Chapter II, omit “or in the ‘specific’ category under operational declaration”.

9.—(1) Article 4 is amended as follows.

(2) For "Directive 2009/48/EC" substitute "the Toys (Safety) Regulations 2011"(**a**).

(3) For "Directive 2006/42/EC" substitute "the Supply of Machinery (Safety) Regulations 2008"(**b**).

10.—(1) Article 5 is amended as follows.

(2) In the heading, omit "and free movement of products".

(3) Omit paragraphs 2 and 3.

11.—(1) Article 6 is amended as follows.

(2) In paragraph 1, omit "Union".

(3) In paragraph 2, in the second subparagraph—

(a) for "an EU declaration" substitute "a declaration";

(b) for "CE marking" substitute "UK marking".

(4) In paragraph 3, omit "EU".

(5) In paragraph 5—

(a) omit "within the meaning of Decision 768/2008/EC";

(b) omit "EU" in both places.

(6) In paragraph 6, for "a language easily understood by end-users and market surveillance authorities" substitute "English".

(7) In paragraph 7, for "a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned" substitute "English".

(8) In paragraph 8, omit "EU" in each place it occurs.

(9) In paragraph 9—

(a) for "market surveillance authority" substitute "market surveillance authorities";

(b) omit "of the Member States in which they made the product available on the market".

(10) In paragraph 10—

(a) for "a competent national authority" substitute "a market surveillance authority";

(b) for "a language which can be easily understood by that authority" substitute "English".

(11) In paragraph 11, omit "of the MS of their principal place of business".

12. In Article 7, in paragraph 2(a)—

(a) omit "EU";

(b) omit "national";

(c) omit "Union".

13.—(1) Article 8 is amended as follows.

(2) In paragraphs 1 and 2, omit "Union".

(3) In paragraph 2—

(a) in point (c) for "CE marking" substitute "UK marking";

(b) in the un-numbered paragraph after point (e), for "competent national authorities" substitute "market surveillance authorities".

(4) In paragraph 3, for "a language easily understood by end-users and market surveillance authorities" substitute "English".

(**a**) S.I. 2011/1881, as prospectively amended by S.I. 2019/696.
(**b**) S.I. 2008/1597, relevant amending instruments are S.I. 2011/1043, 2157 and, prospectively, S.I. 2019/696.

(5) In paragraph 4, for "a language which can be easily understood by consumers and other end users, as determined by the Member State concerned" substitute "English".

(6) In paragraph 7—

(a) for "the applicable Union harmonisation legislation" substitute "this Regulation or any other relevant enactment";

(b) omit "of the Member States in which they made the product available on the market".

(7) In paragraph 8, omit "EU".

(8) In paragraph 9—

(a) for "the competent national authority" substitute "a market surveillance authority";

(b) for "a language which can be easily understood by that authority" substitute "English".

(9) In paragraph 10—

(a) for "market surveillance authority" substitute "market surveillance authorities";

(b) omit "of the MS of their principal place of business".

14.—(1) Article 9 is amended as follows.

(2) In paragraph 1, omit "Union".

(3) In paragraph 2—

(a) in the first subparagraph for "CE marking" substitute "UK marking";

(b) in the second subparagraph for "a language which can be easily understood by consumers and other end users, as determined by the Member State concerned" substitute "English";

(c) in the third subparagraph omit "competent".

(4) In paragraph 4—

(a) for "the applicable Union harmonisation legislation" substitute "this Regulation or any other relevant enactment";

(b) omit "of the Member States in which they made the product available on the market".

(5) In paragraph 5, for "the competent national authority" substitute "a market surveillance authority".

15. In Article 12, for "harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union," substitute "the designated standards".

16. In Article 13, in paragraph 2—

(a) in point (a), for "harmonised standards, the references of which have been published in the Official Journal of the European Union," substitute "the designated standards";

(b) in point (b), for "EU-type" substitute "type";

(c) in point (c), for "Directive 2009/48/EC" substitute "the Toys (Safety) Regulations 2011".

17.—(1) Article 14 is amended as follows.

(2) In the heading and in paragraph 1, omit "EU".

(3) In paragraph 2—

(a) omit "EU";

(b) omit the second sentence.

(4) In paragraph 3—

(a) omit "EU" in each place it occurs;

(b) omit the second sentence;

(c) in the final sentence, omit the words "in a language or languages required by the Member State in which the product is placed or made available on the market".

(5) For paragraph 4 substitute—

"4. Where a product is subject to more than one enactment requiring a declaration of conformity, a single declaration of conformity shall be drawn up in respect of all such enactments. That declaration shall contain the enactments concerned.".

(6) In paragraph 5, omit "EU".

18. For Article 15 substitute—

"Article 15

Requirements of the UK Marking

The UK marking is subject to the requirements set out in Article 30 of, and Annex 2 to, Regulation (EC) 765/2008.".

19.—(1) Article 16 is amended as follows.

(2) In the heading—

(a) for "CE marking" substitute "UK marking";

(b) for "notified" substitute "approved".

(3) In paragraphs 1 and 4, for "CE marking" substitute "UK marking".

(4) In paragraph 5—

(a) for "CE marking" substitute "UK marking";

(b) for "notified", in each place it occurs, substitute "approved".

(5) Omit paragraph 6.

20. In Article 17, in paragraph 3—

(a) for "EU-type" substitute "type";

(b) for "an official language of the Member State in which the notified body is established or in a language acceptable to that body" substitute "English".

21. Before Article 18, in the heading for Section 4, for "Notification" substitute "Approval".

22. For Article 18 substitute—

"Article 18

Approval

1. The Secretary of State may approve bodies to carry out third-party conformity assessment tasks under this Regulation.

2. The Secretary of State may not approve a body to carry out third-party conformity assessment tasks under paragraph 1 unless satisfied the body meets the criteria specified in Article 22.

3. Where a body demonstrates its conformity with applicable designated standards or parts thereof, it shall be presumed to meet the requirements set out in Article 22 insofar as the applicable designated standards cover those requirements.

4. The Secretary of State must—

(a) assign an approved body identification number to each approved body;

(b) compile and maintain a register of approved bodies containing in relation to each body—

(i) the approved body identification number,

(ii) details of the activities for which the body is approved, and

(iii) any restrictions on the activities for which the body is approved.

5. The register referred to in paragraph 2 must be made publicly available.".

23. Omit Articles 19, 20 and 21.

24.—(1) Article 22 is amended as follows.

(2) In the heading, for "notified" substitute "approved".

(3) In paragraph 1, for "notification" substitute "approval".

(4) For paragraph 2, substitute—

"2. A conformity assessment body shall be established under the national law of the United Kingdom and have legal personality.".

(5) In paragraph 7—

(a) in point (c), for "harmonised standards and of the relevant provisions of Union harmonisation legislation" substitute "designated standards and of the relevant provisions of applicable enactments";

(b) in point (d), for "EU-type" substitute "type".

(6) In paragraph 9, omit "unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment".

(7) In paragraph 10—

(a) omit "or any provision of national law giving effect to them,";

(b) for "the competent authorities of the Member State in which its activities are carried out" substitute "the Secretary of State or the market surveillance authorities".

(8) In paragraph 11—

(a) for "standardisation activities, the regulatory activities" substitute "standardisation activities and the regulatory activities";

(b) omit the words from ", and the activities of the notified body coordination group" to "as a result of the work of that group".

25. Omit Article 23.

26.—(1) Article 24 is amended as follows.

(2) In the heading, for "notified" substitute "approved".

(3) In paragraph 1—

(a) for "a notified" substitute "an approved";

(b) for "notifying authority" substitute "Secretary of State".

(4) In paragraph 2, for "Notified" substitute "Approved".

(5) In paragraph 4—

(a) for "Notified" substitute "Approved";

(b) for "notifying authority" substitute "Secretary of State".

27.—(1) Article 25 is amended as follows.

(2) In the heading, for "notification" substitute "approval".

(3) In paragraph 1—

(a) for "notification" substitute "approval";

(b) for "notifying authority of the Member State in which it is established" substitute "Secretary of State".

(4) In paragraph 2—

(a) for "notification" substitute "approval";

(b) for "a national accreditation body" substitute "the United Kingdom Accreditation Service"(**a**).

(**a**) A company limited by guarantee incorporated in England and Wales under number 3076190; the United Kingdom Accreditation Service was appointed as the national accreditation authority for the United Kingdom by regulation 3 of the

28. Omit Articles 26 and 27.

29.—(1) Article 28 is amended as follows.

(2) In the heading for "notifications" substitute "approvals".

(3) In paragraph 1—

(a) for "a notifying authority" substitute "the Secretary of State";

(b) for "a notified" substitute "an approved";

(c) for "notifying authority" substitute "Secretary of State";

(d) for "notification" substitute "approval";

(e) omit the second sentence.

(4) In paragraph 2—

(a) for "notification" substitute "approval";

(b) for "notified", in both places it occurs, substitute "approved";

(c) for "notifying Member State" substitute "Secretary of State";

(d) omit "responsible notifying and".

30. Omit Article 29.

31.—(1) Article 30 is amended as follows.

(2) In the heading, for "notified" substitute "approved".

(3) In paragraph 1, for "Notified" substitute "Approved".

(4) In paragraph 3—

(a) for "a notified" substitute "an approved";

(b) for "harmonised" substitute "designated";

(c) for "an EU-type" substitute "a type".

(5) In paragraph 4—

(a) for "issue of an EU-type" substitute "issue of a type";

(b) for "a notified" substitute "an approved";

(c) for "withdraw the EU-type" substitute "withdraw the type".

(6) In paragraph 5—

(a) for "notified" substitute "approved";

(b) for "EU-type" substitute "type".

32.—(1) Article 31 is amended as follows.

(2) in the heading, for "notified" substitute "approved".

(3) for "Notified" substitute "Approved".

33.—(1) Article 32 is amended as follows.

(2) In the heading, for "notified" substitute "approved".

(3) In paragraph 1—

(a) for "Notified" substitute "Approved";

(b) for "notifying authority" substitute "Secretary of State";

(c) in point (a), for "an EU-type" substitute "a type";

Accreditation Regulations 2009 (S.I. 2009/3155); by virtue of article 4 of RAMS (see the definition of that term in Article 3(46) of Regulation (EU) 2019/945, as inserted by regulation 6(12) of these Regulations) that appointment is to be treated on and after IP completion day as having been made in pursuance of the Secretary of State's duty to appoint a national accreditation body under paragraph 1 of article 4 of RAMS.

(d) in points (b) and (d), for "notification" substitute "approval".

(4) In paragraphs 2 and 3, for "Notified" substitute "Approved".

34. Omit Articles 33 and 34.

35. For the heading to Section 5, substitute—

"Market surveillance, control of products entering the United Kingdom and safeguard procedure".

36.—(1) Article 35 is amended as follows.

(2) In the heading, for "Union" substitute "United Kingdom".

(3) In paragraph 1—

(a) for "Member States" substitute "The Secretary of State";

(b) omit "and perform";

(c) omit "Union";

(d) for "Articles 16 to 26" substitute "Articles 16 to 22 and 26".

(4) In paragraph 2—

(a) for "Member States" substitute "The Secretary of State";

(b) omit "and perform";

(c) omit "Union".

(5) In paragraph 3—

(a) for "Member States" substitute "The Secretary of State";

(b) omit "their";

(c) for "competent authorities designated under Article 17 of Implementing Regulation (EU) 2019/947" substitute "CAA";

(d) for "Articles 22 and 23" substitute "Article 22".

37.—(1) Article 36 is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph, omit "of one Member State";

(b) for "relevant notified body" substitute "Secretary of State".

(3) Omit paragraph 2.

(4) In paragraph 3, omit "throughout the Union".

(5) In paragraph 4, omit the second subparagraph.

(6) Omit paragraphs 5, 6, 7 and 8.

38. Omit Article 37.

39.—(1) Article 38 is amended as follows.

(2) In paragraph 1, for "a Member State" substitute "a market surveillance authority".

(3) In paragraph 2, omit "throughout the Union".

(4) Omit paragraphs 3, 4 and 5.

40.—(1) Article 39 is amended as follows.

(2) In paragraph 1—

(a) for "Member State" substitute "market surveillance authority";

(b) in points (a) and (b), for "CE marking" substitute "UK marking";

(c) in point (c), for "notified" substitute "approved";

(d) in points (h) and (i), omit "EU".

(3) In paragraph 2, for "Member State concerned" substitute "Secretary of State".

41. In the heading to Chapter III, omit "except when conducted under a declaration".

42.—(1) Article 40 is amended as follows.

(2) In the heading, omit "except when conducted under a declaration".

(3) In paragraphs 1(d) and 3, for "competent authority" substitute "CAA".

(4) In paragraph 5, in point (b)(i), for "Member State" substitute "CAA".

43.—(1) Article 41 is amended as follows.

(2) In paragraph 1, for "within the single European sky airspace" substitute "in the United Kingdom".

(3) Omit paragraph 2.

(4) In paragraph 3—

(a) for "competent authority" substitute "CAA";

(b) for "within, to, and out of the Union" substitute "within, to, and out of the United Kingdom";

(c) in point (c), for "the Commission, after consultation of EASA" substitute "the CAA".

44. After Article 42 insert—

"Article 42A

Post-implementation period continuity provision

1. Paragraph 2 applies where, at any time before any technical standard has been adopted and designated as a designated standard in accordance with Article 3A—

(a) a UAS, accessories kit or remote identification add-on has been assessed by a notified body in accordance with any of the EU conformity assessment procedures;

(b) an EU declaration of conformity has been drawn up in accordance with the EU Regulation in respect of the UAS or accessories kit; and

(c) a CE marking has been affixed to the UAS or accessories kit.

2. Where this paragraph applies—

(a) a UAS or accessories kit is to be treated as having been assessed in accordance with the equivalent conformity assessment procedure in Section 3 of Chapter 2 of the EU Regulation; and

(b) the EU declaration of conformity and the CE marking are to be treated for the purposes of this Regulation and any other enactment relating to UAS, accessories kits or remote identification add-ons as if they were respectively a declaration of conformity under this Regulation and a UK marking.

3. In this Article—

(a) "CE marking" has the same meaning as in Article 3(12) of the EU Regulation;

(b) "EU conformity assessment procedures" means the procedures provided for under Article 13(2) of the EU Regulation;

(c) "EU declaration of conformity" has the same meaning as in the EU Regulation;

(d) "notified body" means a body notified to the Commission under Article 18 of the EU Regulation.".

45. After Article 42, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States.".

46.—(1) Part 1 of the Annex is amended as follows.

(2) In point (9), for "European Union Aviation Safety Agency (EASA)" substitute "CAA".

(3) In point (10), for "Directive 2009/48/EC on the safety of toys" substitute "the Toys (Safety) Regulations 2011".

47.—(1) Part 2 of the Annex is amended as follows.

(2) In point (12)(b)(i), for "Member State of registration" substitute "CAA".

(3) In point (13)(a), for ", as defined by" substitute "designated pursuant to".

(4) In point (19), for "EASA" substitute "the CAA".

(5) In point (20)(a)(i), for "Member State of registration" substitute "CAA".

48.—(1) Part 3 of the Annex is amended as follows.

(2) In point (14)(b)(i), for "Member State" substitute "CAA".

(3) In point (15)(a), for "as defined by" substitute "designated pursuant to".

(4) In point (20), for "EASA" substitute "the CAA".

(5) In point (21)(a)(i), for "Member State of registration" substitute "CAA".

49.—(1) Part 4 of the Annex is amended as follows.

(2) In point (9)(b)(i), for "Member State" substitute "CAA".

(3) In point (10)(a), for "as defined by" substitute "designated pursuant to".

(4) In point (16), for "EASA" substitute "the CAA".

(5) In point (17)(a)(i), for "Member State of registration" substitute "CAA".

50. In Part 5 of the Annex, in point (5) for "EASA" substitute "the CAA".

51. In Part 6 of the Annex, in point (3)(i) for "Member State of registration" substitute "CAA".

52. In Part 7 of the Annex, in point 4—

(a) in the heading, for "CE marking and EU declaration of conformity" substitute "UK marking and declaration of conformity";

(b) in point (1), for "CE marking" substitute "UK marking";

(c) in point (2), and in the final sentence, omit "EU" in each place it occurs.

53.—(1) Part 8 of the Annex is amended as follows.

(2) In the heading, for "EU-type" substitute "Type".

(3) In the first sentence, for "EU-type" substitute "type".

(4) In Module B—

(a) in the heading, for "EU-type" substitute "Type";

(b) in point 1—

(i) for "EU-type" substitute "Type";

(ii) for "a notified" substitute "an approved";

(c) in point 2, for "EU-type" substitute "Type";

(d) in point 3—

(i) for "EU-type" substitute "type";

(ii) for "notified" substitute "approved";

(iii) in points (2) and (4), for "notified" substitute "approved";

(iv) in point (5), for "harmonised" substitute "designated";

(e) in point 4—

(i) for "notified" substitute "approved";

(ii) in points (2), (3) and (4), for "harmonised" substitute "designated";

(f) in point 5, for "notified", in both places it occurs, substitute "approved";

(g) in point 6—

(i) in the first subparagraph—

(aa) for "notified" substitute "approved";

(bb) for "EU-type" substitute "type";

(ii) in the second subparagraph omit "EU";

(iii) in the third subparagraph for "EU-type" substitute "type";

(h) in point 7—

(i) in the first subparagraph, for "notified", in both places it occurs, substitute "approved";

(ii) in the second subparagraph—

(aa) for "notified" substitute "approved";

(bb) for "EU-type", in both places it occurs, substitute "type";

(i) in point 8—

(i) in the first subparagraph—

(aa) for "notified" substitute "approved";

(bb) for "its notifying authority", in both places it occurs, substitute "the Secretary of State";

(cc) for "EU-type" substitute "type";

(ii) in the second subparagraph—

(aa) for "notified", in both places it occurs, substitute "approved";

(bb) for "EU-type" substitute "type";

(iii) in the third subparagraph—

(aa) for "The Commission, the Member States and the other notified bodies" substitute "The Secretary of State and the other approved bodies";

(bb) for "EU-type" substitute "type";

(cc) for "the Commission and the Member States" substitute "the Secretary of State";

(dd) for "notified", in both places it occurs, substitute "approved";

(iv) in the fourth subparagraph—

(aa) for "notified" substitute "approved";

(bb) for "EU-type" substitute "type";

(j) in point 9, for "EU-type" substitute "type".

(5) In Module C—

(a) in points 1 and 2, for "EU-type" substitute "type";

(b) in point 3—

(i) in the heading, for "CE marking and EU declaration" substitute "UK marking and declaration";

(ii) in point (1)—

(aa) for "CE" substitute "UK";

(bb) for "EU-type" substitute "type";

(iii) in point (2), omit "EU" in each place it occurs.

54.—(1) Part 9 of the Annex is amended as follows.

(2) In point 3—

(a) in points (1) and (1)(d) for "notified" substitute "approved";

(b) in point (2)(b), for "harmonised" substitute "designated";

(c) in point (3)—

(i) in the first sentence, for "notified" substitute "approved";

(ii) in the second sentence, for "harmonised" substitute "designated";

(d) in point (4), for "notified" substitute "approved";

(e) in point (5), for "notified", in both places it occurs, substitute "approved".

(3) In point 4, for "notified", in each place it occurs, substitute "approved".

(4) In point 5—

(a) for "CE marking and EU declaration" substitute "UK marking and declaration";

(b) in point (1)—

(i) for "CE" substitute "UK";

(ii) for "notified" substitute "approved";

(c) in point (2) and in the sentence after point (2), omit "EU" in each place it occurs.

(5) In point 6(4), for "notified" substitute "approved".

(6) In point 7—

(a) for "notified", in each place it occurs, substitute "approved";

(b) for "its notifying authority", in both places it occurs, substitute "the Secretary of State".

55.—(1) Part 10 of the Annex is amended as follows.

(2) In point 4—

(a) for "harmonised", in each place it occurs, substitute "designated";

(b) omit ", the references of which have been published in the Official Journal of the European Union,".

(3) In point 5, omit "EU".

(4) In point 6—

(a) omit "EU";

(b) for "notified" substitute "approved".

(5) In point 9, for "notified" substitute "approved".

(6) In point 10, for "harmonised" substitute "designated".

56.—(1) Part 11 of the Annex is amended as follows.

(2) In the heading, omit "EU".

(3) In point 7—

(a) for "relevant Union harmonisation legislation" substitute "designated standards";

(b) for "other Union harmonisation legislation" substitute "relevant enactments".

(4) In point 8, for "the relevant harmonised standards" substitute "designated standards".

(5) in point 9—

(a) for "notified" substitute "approved";

(b) For "EU-type" substitute "type".

(6) In point 10, omit "EU".

57. In Part 12 of the Annex, including the heading, omit "EU", in each place it occurs.

Amendment of Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft

58. Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft is amended in accordance with regulations 59 to 84.

59.—(1) Article 2 is amended as follows.

(2) In paragraph (4), for "competent authority" substitute "Secretary of State".

(3) Omit paragraph (6).

(4) In paragraph (9), for "a competent authority" substitute "the CAA".

(5) In paragraph (10), for "a Member State" substitute "the United Kingdom".

(6) In paragraph (15), for "Member States" substitute "the CAA".

(7) In paragraph (19), omit "Union".

(8) Omit paragraphs (20), (28), (29), (30), (31), (32) and (33).

(9) At the end of paragraph (34) insert—

"— ;

(35) 'CAA' means the Civil Aviation Authority".

60.—(1) Article 3 is amended as follows.

(2) In paragraph (a), omit ", nor to an operational declaration by the UAS operator".

(3) In paragraph (b)—

(a) for "competent authority" substitute "CAA";

(b) omit ", or, under circumstances defined in Article 5(5), a declaration to be made by a UAS operator".

61.—(1) Article 5 is amended as follows.

(2) In paragraph 1, for "competent authority in the Member State where it is registered" substitute "CAA".

(3) In paragraph 2, for "a competent authority" substitute "the CAA".

(4) In paragraphs 3 and 4, for "competent authority" substitute "CAA".

(5) In paragraph 6, omit "or a declaration".

62. In Article 6, in paragraph 2, for "competent authority" substitute "CAA".

63. In Article 7, in paragraph 2, omit ", or in a standard scenario defined in Appendix 1 to the Annex as declared by the UAS operator".

64. In Article 8, in paragraph 2—

(a) for "competent authority" substitute "CAA";

(b) omit "or in the standard scenario defined in Appendix 1 to the Annex".

65.—(1) Article 9 is amended as follows.

(2) In paragraph 2, in point (a), for "Directive 2009/48/EC" substitute "the Toys (Safety) Regulations 2011".

(3) In paragraph 3, for the words before point (a) substitute "The Secretary of State may prescribe by regulations a minimum age which is lower than that provided for at paragraph 1:".

(4) Omit paragraph 4.

(5) In paragraph 5, for "Member States" substitute "The CAA".

66. After Article 9 insert—

"Article 9A

Regulations

1. Regulations made under Article 9 are to be made by statutory instrument.

2. A statutory instrument made by the Secretary of State under Article 9 is subject to annulment in pursuance of a resolution of either House of Parliament.

3. Regulations made under Article 9 may—

(a) make different provision for different purposes or areas;

(b) include supplementary, incidental or consequential provision;

(c) make transitional, transitory or saving provision.".

67. In Article 11, in paragraph 5(c) omit "common" in both places.

68.—(1) Article 12 is amended as follows.

(2) In paragraph 1, for "competent authority" substitute "CAA".

(3) In paragraph 2—

(a) in the words before point (a), for "competent authority" substitute "CAA";

(b) in point (c) omit "Union and national".

(4) In paragraph 3, for "competent authority" substitute "CAA".

(5) In paragraph 4—

(a) in the words before point (a), for "competent authority" substitute "CAA";

(b) in point (c)(v), omit "and any other locations in a Member States in accordance with Article 13".

(6) Omit paragraph 5.

69. Omit Article 13.

70.—(1) Article 14 is amended as follows.

(2) In paragraph 1, for "Member States" substitute "The CAA".

(3) In paragraph 2—

(a) in subparagraph (d), for "Union or national law" substitute "an enactment";

(b) in subparagraph (f), omit "and declarations followed by a confirmation in accordance with Article 12(5)(b)".

(4) Omit paragraph 4.

(5) In paragraph 5(a)(ii), for the words "Directive 2009/48/EC" substitute "the Toys (Safety) Regulations 2011".

(6) In paragraph 6—

(a) in the first subparagraph—

(i) for the words from "in the Member State" to "legal persons" substitute "with the CAA";

(ii) omit "A UAS operator cannot be registered in more than one Member State at a time.";

(b) in the second subparagraph, for the words "Member States" substitute "The CAA";

(c) omit the third subparagraph.

(7) In paragraph 7, in the second subparagraph, omit the final sentence.

(8) In paragraph 9, for "Member States" substitute "the CAA".

71.—(1) Article 15 is amended as follows.

(2) In paragraph 1, for the words before subparagraph (a) substitute "The Secretary of State may make regulations for the purpose of designating UAS geographical zones for safety, security, privacy or environmental reasons. The regulations may:".

(3) For paragraph 2, substitute—

"2. The Secretary of State may by regulations designate certain geographical zones in which UAS operations are exempt from one or more of the 'open' category requirements.".

(4) After paragraph 3, insert—

"4. Regulations made under this Article are to be made by statutory instrument.".

72.—(1) Article 16 is amended as follows.

(2) In paragraph 1, for "competent authority" substitute "CAA".

(3) In paragraph 2—

(a) omit subparagraph (a);

(b) in subparagraphs (b)(i), (b)(iii) and (b)(iv) for "competent authority" substitute "CAA".

(4) In paragraph 3, omit "and shall be limited to the territory of the Member State in which it is issued".

(5) In paragraph 4, for "Member States may" substitute "The CAA may, after consultation with the Secretary of State,".

73. Omit Article 17.

74.—(1) Article 18 is amended as follows.

(2) For the heading, substitute "Responsibilities of the CAA".

(3) In the words before point (a), for "competent authority" substitute "CAA".

(4) In point (d), omit "and verifying completeness of declarations".

(5) In point (e), omit "declarations,".

(6) Omit points (f) and (g).

(7) In point (h)(i), omit "have submitted a declaration or".

(8) In point (i)—

(a) omit "have submitted a declaration, or";

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

(9) In point (j)—

(a) omit "have submitted a declaration or";

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

75.—(1) Article 19 is amended as follows.

(2) In paragraph 1, for "competent authorities of the Member States" substitute "CAA".

(3) In paragraph 2, for "competent authority" substitute "CAA".

(4) In paragraph 3—

(a) for "European Union Aviation Safety Agency ('the Agency') and the competent authorities" substitute "CAA";

(b) omit "in their territory in accordance with Article 119 of the Regulation (EU) 2018/1139 and its implementing acts".

(5) In paragraph 4, for ", 2 or 3, the Agency and the competent authority" substitute "or 2, the CAA".

(6) In paragraph 5, for "competent authority or the Agency" substitute "CAA".

76. In Article 20, omit "types within the meaning of Decision No. 768/2008/EC of the European Parliament and of the Council,".

77.—(1) Article 21 is amended as follows.

(2) In the heading, omit ", declarations".

(3) In paragraph 1, for the words from "Authorisations granted" to "UAS operators", in the second place it occurs, substitute "Authorisations granted to UAS operators and certificates of remote pilot competency".

(4) In paragraph 2—

(a) for "Member States shall convert their" substitute "the CAA shall convert its";

(b) for "their UAS operator authorisations or declarations" substitute "its UAS operator authorisations".

(5) Omit paragraph 3.

78. In Article 22, in point (a), for "defined by the Member State concerned" substitute "at least equivalent to the level in point UAS.OPEN.030(2) of Part A of the Annex.".

79. In Article 23, omit paragraph 4.

80. After Article 23, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States".

81.—(1) Part A of the Annex is amended as follows.

(2) In point UAS.OPEN.020, in point (4)(b) for "competent authority or an entity designated by the competent authority of a Member State" substitute "CAA".

(3) In point UAS.OPEN.030—

(a) in point (2), for "competent authority or by an entity designated by the competent authority of a Member State" substitute "CAA or an entity designated by the CAA";

(b) in point (2)(c), for "competent authority or at an entity designated by the competent authority of a Member State" substitute "CAA or an entity designated by the CAA".

(4) In point UAS.OPEN.050—

(a) in point (4)(c), for "published by the Member State of operation" substitute "designated by the Secretary of State";

(b) in point (6)(a), omit "EU".

(5) In point UAS.OPEN.060—

(a) in point (1)(b), for "published by the Member State of operation" substitute "designated by the Secretary of State";

(b) in point (2)(c), for "defined" substitute "designated".

(6) In point UAS.OPEN.070, in point (2)(b), for "competent authority or by an entity designated by the competent authority" substitute "CAA or an entity designated by the CAA".

82.—(1) Part B is amended as follows.

(2) In point UAS.SPEC.010—

(a) for "competent authority" substitute "CAA";

(b) omit ", or submit a declaration when point UAS.SPEC.020 is applicable,".

(3) Omit point UAS.SPEC.020.

(4) In point UAS.SPEC.030—

(a) for point (1) substitute—

"(1) Before starting an UAS operation in the 'specific' category the UAS operator shall obtain an operational authorisation from the CAA except where the UAS operator holds an LUC with the appropriate privileges, in accordance with Part C of this Annex.";

(b) in point (3)(d), for "competent authority" substitute "CAA";

(c) in point (3)(f), for "Union or national law" substitute "an enactment".

(5) In point UAS.SPEC.040, in points (1) and (2), for "competent authority" substitute "CAA".

(6) In point UAS.SPEC.050, in point (1)—

(a) in point (a)(iv), for "National Authority for data protection" substitute "Information Commissioner's Office";

(b) in point (d)(iii), for "competent authority" substitute "CAA";

(c) omit point (d)(iv);

(d) in points (d)(vi) and (e)(iii), for "defined" substitute "designated";

(e) in point (f), omit "defined in the declaration or";

(f) in point (g)(iii), omit "by the declaration or".

(7) In point UAS.SPEC.060—

(a) in point (1)(b), omit ", in the standard scenario defined in Appendix 1";

(b) in point (2)—

(i) in point (a), for "defined" substitute "designated";

(ii) in point (b), omit "or declared";

(iii) in point (d), for "published by the Member State" substitute "designated by the Secretary of State";

(c) in point (3)—

(i) in point (a), omit "or declared";

(ii) in point (c), for "defined" substitute "designated".

(8) In point UAS.SPEC.080, for "competent authority", in both places it occurs, substitute "CAA".

(9) Omit point UAS.SPEC.085.

(10) In point UAS.SPEC.090—

(a) for "competent authority" substitute "CAA";

(b) omit "or operational declaration".

(11) In point UAS.SPEC.100, in point (2), for "Agency" substitute "CAA".

83.—(1) Part C of the Annex is amended as follows.

(2) In point UAS.LUC.010, in point (2), in the words before point (a) and in point (c), for "competent authority" substitute "CAA".

(3) In point UAS.LUC.020—

(a) in point (4), omit "unless conducting an operation for which an operational declaration is sufficient according to point UAS.SPEC.020";

(b) in point (5), omit ", when required according to point (4),".

(4) In point UAS.LUC.040, in points (1) and (4), for "competent authority" substitute "CAA".

(5) In point UAS.LUC.050, in point (1), for "competent authority" substitute "CAA".

(6) In point UAS.LUC.060—

(a) in the words before point (1), for "competent authority" substitute "CAA";

(b) for point (2) substitute—

"(2) may, within the terms of approval, grant to an LUC holder the privilege to authorise its own operations without applying for an operational authorisation.".

(7) In point UAS.LUC.070, in the words before point (1), for "competent authority" substitute "CAA".

(8) In point UAS.LUC.075, for "competent authority" substitute "CAA".

(9) In point UAS.LUC.080—

(a) in point (1)(a), for "and of the Member State that issued the certificate" substitute "and other relevant enactments";

(b) in point (2) for "competent authority" substitute "CAA".

(10) In point UAS.LUC.090—

(a) for "competent authority" substitute "CAA";

(b) for "certification, operational" substitute "certification or operational";

(c) omit "or operational declaration".

84. Omit Appendices 1 to 6.

Amendment of the Air Navigation Order 2016

85.—(1) The Air Navigation Order 2016(**a**) is amended as follows.

(2) In Article 94A (small unmanned aircraft: permission for certain flights), in paragraph (6) and in the table in paragraph (7), omit "EASA" in each place it occurs.

(3) In Article 94B (interpretation of expressions used in the definition of "flight restriction zone"), in paragraph (1)(a), omit "EASA".

Amendment of the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018

86.—(1) The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018(**b**) are amended as follows.

(2) In regulation 10 (operating licences: transitional and savings arrangements), in paragraph (1), for "exit day", in both places it occurs, substitute "IP completion day".

Signed by authority of the Secretary of State for Transport

Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 1 to 85 of these Regulations are made in exercise of the powers in sections 8(1) and 23(1) of, and paragraph 21 of 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 under section 8(2)(a), (b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the legislative framework for unmanned aircraft. The majority of the amendments concern two EU Regulations. Regulations 2 to 58 amend Delegated Regulation (EU) 2019/945 (on unmanned aircraft systems and on third-country operators of unmanned aircraft systems). Regulations 59 to 84 amend Implementing Regulation (EU) 2019/947 (on the rules and procedures for the operation of unmanned aircraft).

(**a**) S.I. 2016/765, amended by S.I. 2017/112, S.I. 2018/623, S.I. 2018/1160, S.I. 2019/261 and prospectively by S.I. 2019/645.

(**b**) S.I. 2018/1392, to which there are amendments not relevant to these Regulations. The reference to exit day in regulation 1 (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).

Regulation 85 makes minor amendments to the Air Navigation Order 2016 (S.I. 2016/765) to remove references to the European Aviation Safety Agency (EASA).

Regulation 86 makes consequential provision in exercise of the power in section 41(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1). It replaces references to "exit day" in regulation 10 of the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2019 with references to "IP completion day".

A full impact assessment has not been produced for this instrument, as no, or 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 at www.legislation.gov.uk.

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