STATUTORY INSTRUMENTS

2020 No. 1632

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Operation of Air Services (Amendment) (EU Exit) Regulations 2020

Approved by both Houses of Parliament

Made - - - - *22nd December 2020*

Laid before Parliament *23rd December 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**).

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament(**b**).

Citation and commencement

1. These Regulations may be cited as the Operation of Air Services (Amendment) (EU Exit) Regulations 2020 and come into force immediately before IP completion day.

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

2.—(1) Schedule 2 (Amendment of Regulation (EC) No 1008/2008) to the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018(**c**) is amended as follows.

(2) In paragraph 3(a), after "the United Kingdom.", insert "It also lays down temporary rules on the supply of groundhandling services at airports in the United Kingdom.".

(3) In paragraph 11, after sub-paragraph (2) insert—

"(2A) In paragraph 1a, for "Union air carrier", in both places it occurs, substitute "UK air carrier".

(2B) Omit paragraphs 1b to 1d.".

(4) In paragraph 21, for "Articles 24 to 26" substitute "Article 24".

(**a**) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) See paragraph 5(2) of Schedule 7 to the European Union (Withdrawal) Act 2018.
(**c**) S.I. 2018/1392; 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.

(5) After paragraph 21 insert—

"**21A.**—(1) Article 24a is amended as follows.

(2) In paragraph 1—

(a) for "point (d) of Article 11(1) of Council Directive 96/67/EC" substitute "regulation 12(9) of the Airports (Groundhandling) Regulations 1997 (**a**)";

(b) for "Article 11(1) of that Directive" substitute "regulation 12 of those Regulations".

(3) In paragraph 2—

(a) for "point (e) of Article 11(1) of Directive 96/67/EC" substitute "regulation 12(10) of the Airports (Groundhandling) Regulations 1997";

(b) for "competent authority of the Member State" substitute "Civil Aviation Authority".

(4) Omit paragraphs 3 to 5.

21B. Omit Articles 25 to 26.".

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
22nd December 2020 Department for Transport

(**a**) S.I. 1997/2389, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 inserts new provisions into the Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1392) to fix further deficiencies in retained EU law which have arisen as a result of amendments made to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community since the 2018 Regulations were made.

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

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