
STATUTORY INSTRUMENTS

2019 No. 645

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

PART 3

Amendment of principal EU Regulations

CHAPTER 5

Amendment of Regulation (EU) No 2018/1139

SECTION 3

Substantive requirements – Chapter 3 of Regulation (EU) No 2018/1139

SUB-SECTION 1 Airworthiness and environmental protection

Amendment of Article 11 of Regulation (EU) No 2018/1139

91. In Article 11 (design of products)—

- (a) in the third paragraph, for “the delegated acts” substitute “regulations”;
- (b) in the fourth paragraph, for “the delegated act” substitute “regulations”.

Amendment of Article 12 of Regulation (EU) No 2018/1139

92. In Article 12 (design of parts)—

- (a) in the first paragraph, for “delegated acts” substitute “regulations”;
- (b) in the second paragraph, for “the delegated acts” substitute “regulations”;
- (c) in the third paragraph—
 - (i) for “the delegated act” substitute “regulations”;
 - (ii) for “the delegated acts” substitute “regulations”.

Amendment of Article 13 of Regulation (EU) No 2018/1139

93. In Article 13 (design of non-installed equipment)—

- (a) in the first and second paragraphs, for “the delegated acts” substitute “regulations”;
- (b) in the third paragraph—
 - (i) for “the delegated act” substitute “regulations”;
 - (ii) for “the delegated acts” substitute “regulations”.

Amendment of Article 14 of Regulation (EU) No 2018/1139

94.—(1) Article 14 (individual aircraft) is amended as follows.

- (2) In paragraph 1, for “the delegated acts” substitute “regulations”.
- (3) In paragraph 2, for “the implementing acts” substitute “regulations”.

Amendment of Article 15 of Regulation (EU) No 2018/1139

- 95.**—(1) Article 15 (organisations) is amended as follows.
- (2) In paragraph 1, in both places the words occur, for “the delegated acts referred to in” substitute “regulations made under”.
 - (3) In paragraph 2—
 - (a) in the second subparagraph, for “the adoption of the implementing acts referred to in” substitute “regulations made under”;
 - (b) in the last subparagraph—
 - (i) for “the implementing acts referred to in” substitute “regulations made under”;
 - (ii) omit “adopted”.
 - (4) In paragraphs 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.
 - (5) In paragraph 5—
 - (a) for “the adoption of the implementing acts referred to in” substitute “regulations made under”;
 - (b) for “implementing acts referred to in” substitute “regulations made under”;
 - (c) in the last place the words occur, for “implementing acts” substitute “regulations”.

Amendment of Article 16 of Regulation (EU) No 2018/1139

- 96.**—(1) Article 16 (personnel) is amended as follows.
- (2) In paragraph 1—
 - (a) in the first subparagraph, for “the adoption of implementing acts referred to in” substitute “regulations made under”;
 - (b) in the second subparagraph—
 - (i) for “the implementing acts referred to in” substitute “regulations made under”;
 - (ii) omit “adopted”.
 - (3) In paragraphs 2 and 3, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 17 of Regulation (EU) No 2018/1139

- 97.**—(1) Article 17 (implementing acts as regards airworthiness) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.
 - (3) In paragraph 1—
 - (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the last subparagraph.

(4) In paragraph 2, for the words from the start to “Commission” substitute “When making those regulations, the Secretary of State”.

Amendment of Article 18 of Regulation (EU) No 2018/1139

98.—(1) Article 18 (derogations) is amended as follows.

(2) In paragraph 1—

(a) in point (a)—

(i) in each place the words occur, for “the delegated acts referred to in” substitute “regulations made under”;

(ii) omit “adopted”;

(b) in point (b), for “the delegated acts referred to in” substitute “regulations made under”.

(3) In paragraph 2,

(a) in the first subparagraph, in points (a) and (b), for “the delegated acts referred to in” substitute “regulations made under”;

(b) in the second subparagraph—

(i) for “the delegated acts referred to in” substitute “regulations made under”;

(ii) for “the implementing act referred to in” substitute “regulations made under”;

(c) in the third subparagraph, for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 19 of Regulation (EU) No 2018/1139

99.—(1) Article 19 (delegated powers) is amended as follows.

(2) In paragraph 1—

(a) for the words from “the Commission” to “Article 128”, substitute “the Secretary of State may make regulations”;

(b) in point (b), for “Agency” substitute “CAA”.

(3) In paragraph 2, for the words from “the Commission” to “Article 128”, substitute “Secretary of State may make regulations”.

(4) In paragraph 3—

(a) for the words from “the Commission” to “Article 128”, substitute “Secretary of State may make regulations”;

(b) for “all Member States” substitute “the United Kingdom”.

SUB-SECTION 2 Aircrew

Amendment of Article 21 of Regulation (EU) No 2018/1139

100. In Article 21 (pilots), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 22 of Regulation (EU) No 2018/1139

101. In Article 22 (cabin crew), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 23 of Regulation (EU) No 2018/1139

- 102.**—(1) Article 23 (implementing acts as regards pilots and cabin crew) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In paragraph 1—
- (a) in the first subparagraph—
 - (i) for the “the uniform implementation of, and compliance with,” substitute “compliance with”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph;
 - (c) in the third subparagraph, for the words from the start to “Commission” substitute “When making those regulations, the Secretary of State”;
 - (d) in the fourth subparagraph, in both places the words occur, for “implementing acts” substitute “regulations”.
- (4) In paragraph 2—
- (a) in the first subparagraph—
 - (i) for the “the uniform implementation of, and compliance with,” substitute “compliance with”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph.

Amendment of Article 24 of Regulation (EU) No 2018/1139

- 103.**—(1) Article 24 (training organisations and aero-medical centres) is amended as follows.
- (2) In paragraph 2, for “the adoption of implementing acts referred to in” substitute “regulations made under”.
- (3) In paragraphs 3 to 5, for “the implementing acts referred to in” substitute “regulations made under”.
- (4) In paragraph 6—
- (a) for “the adoption of the implementing acts referred to in” substitute “regulations made under”;
 - (b) in the second place the words occur, for “implementing acts referred to in” substitute “regulations made under”;
 - (c) in the third place the words occur, for “implementing acts” substitute “regulations”.

Amendment of Article 25 of Regulation (EU) No 2018/1139

- 104.**—(1) Article 25 (flight simulation training devices) is amended as follows.
- (2) In paragraph 1, for “the adoption of implementing acts referred to in” substitute “regulations made under”.
- (3) In paragraphs 2 to 5, in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 26 of Regulation (EU) No 2018/1139

105.—(1) Article 26 (instructors and examiners) is amended as follows.

(2) In paragraph 1, for “the adoption of implementing acts referred to in” substitute “regulations made under”.

(3) In paragraphs 2 to 5, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 27 of Regulation (EU) No 2018/1139

106.—(1) Article 27 (implementing acts as regards training, testing, checking and medical assessment) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

(a) in the first subparagraph—

(i) omit “the uniform application of and”;

(ii) for “Commission” substitute “Secretary of State”;

(iii) for “adopt implementing acts” substitute “make regulations”;

(b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission”, substitute “When making those regulations, the Secretary of State”.

Amendment of Article 28 of Regulation (EU) No 2018/1139

107. In Article 28 (delegated powers), for the words from “the Commission” to “Article 128” substitute “Secretary of State may make regulations”.

SUB-SECTION 3 Air Operations

Amendment of Article 30 of Regulation (EU) No 2018/1139

108.—(1) Article 30 (aircraft operators) is amended as follows.

(2) In paragraph 1—

(a) for “territory to which the Treaties apply” substitute “United Kingdom”;

(b) for “the implementing acts referred to in” substitute “regulations made under”;

(c) in point (a), for “implementing acts” substitute “regulations”.

(3) In paragraphs 2 to 5, for “the implementing acts referred to in” substitute “regulations made under”.

(4) In paragraph 6—

(a) in the first place the words occur, for “Member States” substitute “The Secretary of State”;

(b) for “territory to which the Treaties apply” substitute “United Kingdom”;

(c) for the words from “that territory” to “carry” substitute “the United Kingdom but in a territory for which the United Kingdom carries”.

(5) In paragraph 7—

(a) for “the implementing acts referred to in” substitute “regulations made under”;

(b) for “the delegated act referred to in” substitute “regulations made under”.

Amendment of Article 31 of Regulation (EU) No 2018/1139

- 109.**—(1) Article 31 (implementing acts as regards air operations) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In paragraph 1—
- (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (iv) in point (e), for “territory to which the Treaties apply” substitute “United Kingdom”;
 - (b) omit the second subparagraph.
- (4) In paragraph 2, for the words from the start to “Commission”, substitute “When making regulations, the Secretary of State”.

Amendment of Article 32 of Regulation (EU) No 2018/1139

- 110.**—(1) Article 32 (delegated powers) is amended as follows.
- (2) In paragraph 1—
- (a) for the words from “Commission” to “Article 128”, substitute “Secretary of State may make regulations”;
 - (b) in point (b)—
 - (i) for “national competent authorities” substitute “the CAA”;
 - (ii) omit the words from “and the issuance” to the end.
- (3) In paragraph 2, for the words from “Commission” to “Article 128” substitute “the Secretary of State may make regulations”.
- SUB-SECTION 4Aerodromes

Amendment of Article 34 of Regulation (EU) No 2018/1139

- 111.** In Article 34 (aerodrome certification), in each place the words occur, for “implementing acts” substitute “regulations”.

Amendment of Article 35 of Regulation (EU) No 2018/1139

- 112.**—(1) Article 35 (safety related aerodrome equipment) is amended as follows.
- (2) In paragraph 1—
- (a) for “the implementing acts referred to in” substitute “regulations made under”;
 - (b) in point (a), for “implementing acts referred to in” substitute “regulations made under”.
- (3) In paragraph 2, for “implementing acts referred to in” substitute “regulations made under”.
- (4) In paragraphs 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 36 of Regulation (EU) No 2018/1139

- 113.**—(1) Article 36 (implementing acts as regards aerodromes and safety-related aerodrome equipment) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

(a) in the first subparagraph—

- (i) omit “the uniform implementation of and”;
- (ii) for “Commission” substitute “Secretary of State”;
- (iii) for “adopt implementing acts” substitute “make regulations”;
- (iv) omit point (h);

(b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission”, substitute “When making regulations under subparagraph 1, the Secretary of State”.

Amendment of Article 37 of Regulation (EU) No 2018/1139

114. In Article 37 (organisations), for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 38 of Regulation (EU) No 2018/1139

115.—(1) Article 38 (protection of aerodrome surroundings) is amended as follows.

(2) In paragraph 1—

- (a) for “Member States” substitute “The Secretary of State and the CAA”;
- (b) for “their territory” substitute “the United Kingdom”.

(3) In paragraph 2, for the words from “the competent authorities” to the end, substitute “the CAA”.

(4) In paragraph 3—

- (a) for “Commission shall” substitute “Secretary of State may”;
- (b) for “adopt implementing acts” substitute “make regulations”;
- (c) omit the last sentence.

Amendment of Article 39 of Regulation (EU) No 2018/1139

116.—(1) Article 39 (delegated powers) is amended as follows.

(2) In paragraph 1, for the words from “Commission” to “Article 128” substitute “Secretary of State may make regulations”.

(3) In paragraph 2, for the words from “Commission” to “Article 128,” substitute “Secretary of State may make regulations”.

SUB-SECTION 5 Air Traffic Management / Air Navigation Services

Amendment of Article 40 of Regulation (EU) No 2018/1139

117. In Article 40 (essential requirements), in paragraph 2, for “the Single European Sky” substitute “United Kingdom”.

Amendment of Article 41 of Regulation (EU) No 2018/1139

118.—(1) Article 41 (ATM/ANS providers) is amended as follows.

(2) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

- (3) In paragraph 5—
 - (a) for “the implementing acts referred to in” substitute “regulations made under”;
 - (b) for “Member States” substitute “the CAA”;
 - (c) omit the last sentence.
- (4) In paragraph 6—
 - (a) in the first subparagraph—
 - (i) in the first place it occurs, for “Member States” substitute “the CAA”;
 - (ii) in point (a), for “Member States are” substitute “the United Kingdom is”;
 - (iii) in point (b), for “Member State granting the exemption” substitute “United Kingdom”;
 - (iv) in point (d), for “Member State concerned” substitute “CAA”;
 - (b) omit the second, third and fourth subparagraphs.

Amendment of Article 42 of Regulation (EU) No 2018/1139

119.—(1) Article 42 (organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

- (2) In paragraph 1—
 - (a) for “the implementing acts referred to in” substitute “regulations made under”;
 - (b) in point (a), for “implementing acts” substitute “regulations”.
- (3) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 43 of Regulation (EU) No 2018/1139

120.—(1) Article 43 (implementing acts as regards ATM/ANS providers and organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In paragraph 1—
 - (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph.
- (4) Omit paragraph 2.
- (5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

Amendment of Article 44 of Regulation (EU) No 2018/1139

121.—(1) Article 44 (implementing acts as regards the use of airspace and the design of airspace structures) is amended as follows.

- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In paragraph 1—

- (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph.
- (4) Omit paragraph 2.
- (5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

Amendment of Article 45 of Regulation (EU) No 2018/1139

122. In Article 45 (ATM/ANS systems and constituents), in each place the words occur, for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 46 of Regulation (EU) No 2018/1139

123. Article 46 (design of airspace structures) is amended as follows—

- (a) for “Member States” substitute “The CAA”;
- (b) for “the detailed rules adopted by the Commission pursuant to” substitute “regulations made by the Secretary of State under”.

Amendment of Article 47 of Regulation (EU) No 2018/1139

124. In Article 47 (delegated powers), in paragraphs 1 and 2, for the words from “Commission” to “Article 128,” substitute “the Secretary of State may make regulations”.

SUB-SECTION 6 Air Traffic Controllers

Amendment of Article 49 of Regulation (EU) No 2018/1139

125. In Article 49 (air traffic controllers), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 50 of Regulation (EU) No 2018/1139

- 126.**—(1) Article 50 (implementing acts as regards air traffic controllers) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.
 - (3) In paragraph 1—
 - (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Secretary of State”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph.
 - (4) In paragraph 2, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

Amendment of Article 51 of Regulation (EU) No 2018/1139

127. In Article 51 (air traffic controller training organisations and aero-medical centres), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 52 of Regulation (EU) No 2018/1139

128. In Article 52 (instructors, assessors and aero-medical examiners), in each place it occurs, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 53 of Regulation (EU) No 2018/1139

129.—(1) Article 53 (implementing acts as regards training, testing, checking and medical assessment) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

(a) in the first subparagraph—

(i) omit “the uniform implementation of and”;

(ii) for “Commission” substitute “Secretary of State”;

(iii) for “adopt implementing acts” substitute “make regulations”;

(b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Secretary of State”.

Amendment of Article 54 of Regulation (EU) No 2018/1139

130. In Article 54 (delegated powers), for the words from “the Commission” to “Article 128,” substitute “the Secretary of State may make regulations”.

SUB-SECTION 7 Unmanned aircraft

Amendment of Article 55 of Regulation (EU) No 2018/1139

131. In Article 55 (essential requirements for unmanned aircraft)—

(a) for “the delegated acts referred to in” substitute “regulations made under”;

(b) for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 56 of Regulation (EU) No 2018/1139

132.—(1) Article 56 (compliance of unmanned aircraft) is amended as follows.

(2) In paragraph 1—

(a) for “the delegated acts referred to in” substitute “regulations made under”;

(b) for “the implementing acts referred to in” substitute “regulations made under”.

(3) In paragraph 2—

(a) for “the delegated acts referred to in” substitute “regulations made under”;

(b) for “the implementing acts referred to in” substitute “regulations made under”.

(4) In paragraph 3—

(a) for “the delegated acts referred to in” substitute “regulations made under”;

(b) for “the implementing acts referred to in” substitute “regulations made under”.

- (5) In paragraph 4—
 - (a) for “the delegated acts referred to in” substitute “regulations made under”;
 - (b) for “the implementing acts referred to in” substitute “regulations made under”.
- (6) In paragraph 5—
 - (a) for “the delegated acts referred to in” substitute “regulations made under”;
 - (b) for “the implementing acts referred to in” substitute “regulations made under”;
 - (c) for “delegated and implementing acts” substitute “regulations”.
- (7) In paragraph 6—
 - (a) for “the delegated acts referred to in” substitute “regulations made under”;
 - (b) omit the second sentence.
- (8) In paragraph 7—
 - (a) in the first sentence—
 - (i) for “Member States” substitute “The CAA”;
 - (ii) for “the implementing acts referred to in” substitute “regulations made under”;
 - (iii) for the words from “digital” to “systems” substitute “a digital national registration system”;
 - (b) omit the second sentence.
- (9) In paragraph 8—
 - (a) for “Member States” substitute “the Secretary of State”;
 - (b) for “national rules” substitute “regulations”;
 - (c) omit “in accordance with the Union law”.

Amendment of Article 57 of Regulation (EU) No 2018/1139

- 133.**—(1) Article 57 (implementing acts as regards unmanned aircraft) is amended as follows.
- (2) In the heading, for “Implementing acts” substitute “Regulations”.
 - (3) In the first subparagraph—
 - (a) omit “the uniform implementation of and”;
 - (b) for “the Commission shall, adopt implementing acts” substitute “the Secretary of State may make regulations”;
 - (c) in point (e), for “digital, interoperable, harmonized, national registration systems” substitute “a digital national registration system”.
 - (4) Omit the second subparagraph.

Amendment of Article 58 of Regulation (EU) No 2018/1139

- 134.**—(1) Article 58 (delegated powers) is amended as follows.
- (2) In paragraph 1, for the words from “the Commission” to “Article 128,” substitute “the Secretary of State may make regulations”.
 - (3) In paragraph 2, for the words from “the Commission” to “Article 128,” substitute “the Secretary of State may make regulations”.
- SUB-SECTION 8 Aircraft used by a third country operator

Amendment of heading for Section 8 of Regulation (EU) No 2018/1139

135. In the heading for Section 8 (aircraft used by a third-country operator into, within or out of the Union), for “Union” substitute “United Kingdom”.

Amendment of Article 59 of Regulation (EU) No 2018/1139

136. In Article 59 (applicable rules), in point (b), for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 60 of Regulation (EU) No 2018/1139

137.—(1) Article 60 (compliance) is amended as follows.

(2) In paragraph 2, in both places the words occur, for “the delegated acts referred to in” substitute “regulations made under”.

(3) In paragraph 3, for “territory to which the Treaties apply” substitute “United Kingdom”.

Amendment of Article 61 of Regulation (EU) No 2018/1139

138.—(1) Article 61 (delegated powers) is amended as follows.

(2) In paragraph 1—

(a) for the words from “Commission” to “Article 128,” substitute “Secretary of State may make regulations”;

(b) in point (a), for “territory to which the Treaties apply” substitute “United Kingdom”;

(c) in point (d), omit “and to the implementing acts adopted on the basis thereof”.

(3) In paragraph 2—

(a) for “adopting the rules referred to in” substitute “making regulations under”;

(b) for “Commission” substitute “Secretary of State”;

(c) in point (c)—

(i) for “Commission” substitute “Secretary of State”;

(ii) in point (ii)—

(aa) for “the delegated acts referred to in” substitute “regulations made under”;

(bb) for “the implementing acts referred to in” substitute “regulations made under”.