

**2020 No. 1498**

**EXITING THE EUROPEAN UNION**

**CIVIL AVIATION**

**The Air Traffic Management (Amendment etc.) (EU Exit) (No. 3) Regulations 2020**

<i>Sift requirements satisfied</i>	<i>8th December 2020</i>
<i>Made - - - -</i>	<i>9th December 2020</i>
<i>Laid before Parliament</i>	<i>10th December 2020</i>
<i>Coming into force in accordance with regulation 1</i>	

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

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Air Traffic Management (Amendment etc.) (EU Exit) (No. 3) Regulations 2020.

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

(3) This regulation and regulation 9 come into force immediately before IP completion day.

**Commission Implementing Regulation (EU) 2018/1048**

**2.** Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation is amended as follows.

**3.** In Article 1 (subject matter and scope), in paragraph 2, for the words from “following airspace” to the end of the paragraph substitute “airspace under the responsibility of the United Kingdom.”.

**4.**—(1) Article 4 (transitional measures) is amended as follows.

(2) After paragraph 1, in the second unnumbered paragraph, for “the European ATM Master Plan and the common projects referred to in Article 15a of Regulation 550/2004” substitute “any regulations made by the Secretary of State under Article 15a of Regulation 550/2004(b)”.

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(a) 2018 c. 16.

(b) Regulation 15a of Regulation (EC) 550/2004 is substituted by regulation 36 of S.I. 2019/459.

- (3) Omit paragraph 2(b).
  - (4) In paragraph 3, for “competent authority responsible for the airspace concerned” substitute “Civil Aviation Authority”.
  - (5) After paragraph 3—
    - (a) in the first unnumbered paragraph—
      - (i) for “that competent authority” substitute “the Civil Aviation Authority”, and
      - (ii) omit the last sentence, and
    - (b) in the second unnumbered paragraph—
      - (i) for “That competent authority” substitute “The Civil Aviation Authority”, and
      - (ii) for “that competent authority” substitute “the Civil Aviation Authority”.
- 5.** Omit Article 7 (entry into force and application).
- 6.** After Article 7 omit the sentence which begins “This Regulation shall be binding”.
- 7.**—(1) The Annex (SUBPART PBN – Performance-based navigation) is amended as follows.
- (2) In point AUR.PBN.2005(1), after “runway ends,” insert “other than for aerodromes listed in point 1.2.1 of the Annex to Implementing Regulation (EU) No 716/2014 and instrument runway ends served by precision approach procedures at other aerodromes,”.
  - (3) Omit points AUR.PBN.2005(4) and (5).
  - (4) In point AUR.PBN.2005(6), after “route operations,” insert “for ATS routes at or above FL150,”.
  - (5) In point AUR.PBN.2005(7), for “points (4) and (6)” substitute “point (6)”.

#### **Commission Implementing Regulation (EU) 2020/1627**

**8.** Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-9 pandemic is revoked.

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

- 9.**—(1) The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.
- (2) For regulation 58(4) substitute—

“(4) In paragraph 2 omit “established in the Community” and “EC”.”
  - (3) In regulation 58(6) omit “established in the United Kingdom”.

Signed by authority of the Secretary of State for Transport

9th December 2020

*Rachel Maclean*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) S.I. 2019/459, amended by S.I. 2020/694, 784.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

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

Regulations 3 to 7 amend Commission Implementing Regulation (EU) 2018/1048 laying down airspace usage requirements and operating procedures concerning performance-based navigation to enable them to remain operable in UK law after IP completion day.

Regulation 8 revokes Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic.

Regulation 9 amends the Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2019 in respect of declarations of conformity or suitability for use of constituents produced by manufacturers of air traffic management systems.

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 this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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