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STATUTORY INSTRUMENTS

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**2018 No. 1088**

**EXITING THE EUROPEAN UNION  
CIVIL AVIATION**

**The Airports (Groundhandling)  
(Amendment) (EU Exit) Regulations 2018**

<i>Sift requirements satisfied</i>	<i>5th September 2018</i>
<i>Made - - - -</i>	<i>15th October 2018</i>
<i>Laid before Parliament</i>	<i>18th October 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(1)</sup> (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

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, that Act.

**Citation and commencement**

1. These Regulations may be cited as the Airports (Groundhandling) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

**Amendment of Regulations**

2. The Airports (Groundhandling) Regulations 1997<sup>(2)</sup> are amended as follows.

**Amendment of regulation 2**

3. In regulation 2(1) (interpretation), after the definition of “managing body of the airport” insert—

““Official Record” means a document of that name published on the website of the CAA;”.

**Amendment of regulation 10(10)**

4. In regulation 10 (groundhandling for third parties)—

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(1) 2018 c. 16.

(2) S.I. 1997/2389 as amended by S.I. 1998/2918, 2004/1256, 2008/2683, 2011/1043 and 2013/610.

- (a) in paragraph (10), for “under the conditions laid down in Article 6(2) and (3) of the Directive” substitute “at least one of whom meets the condition in paragraph (11)”; and
- (b) after that paragraph, insert—
  - “(11) The condition is that the supplier is not directly or indirectly controlled by—
    - (a) the managing body of the airport;
    - (b) any person controlling, or directly or indirectly controlled by, that managing body;
    - (c) any airport user which, during the calendar year preceding that in which that supplier was selected, has carried more than 25% of the passengers or freight recorded at the airport; or
    - (d) any person controlling, or directly or indirectly controlled by, any such airport user.”

#### **Amendment of regulation 11**

- 5. In regulation 11 (determinations requiring Commission approval)—
  - (a) for the heading of that regulation substitute “Determinations by the CAA”;
  - (b) in paragraph (1), for “the Directive” substitute “regulations 8 and 10”;
  - (c) in paragraph (2), for “the Directive” substitute “regulations 8 and 9”;
  - (d) in paragraph (7)(a), for “the Directive” substitute “these Regulations”;
  - (e) omit paragraphs (11) and (12); and
  - (f) in paragraph (14), for “(12)” substitute “(10)”.

#### **Amendment of regulation 12**

- 6. In regulation 12(5) (selection of suppliers), for “Official Journal of the European Union” substitute “CAA’s Official Record”.

#### **Amendment of regulation 19**

- 7. In regulation 19 (reciprocity)—
  - (a) in paragraph (1)(a), omit—
    - (i) “or another Member State or Switzerland”, and
    - (ii) “or, as the case may be, that other Member State or Switzerland”;
  - (b) in paragraph (1)(b), omit “or another Member State or Switzerland”;
  - (c) omit paragraph (2); and
  - (d) in paragraph (3), omit “, any other Member State or Switzerland”.

#### **Amendment of Schedule 1**

- 8. In Schedule 1 (procedure for a determination by the CAA under regulations 9, 10, 11, 14 and 15), omit paragraph 19.

Signed by authority of the Secretary of State for Transport

15th October 2018

*Sugg of Coldharbour*  
Parliamentary Under Secretary of State  
Department for Transport

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers conferred by section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) to address failures in retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (e)) arising from the withdrawal of the United Kingdom from the European Union. They amend the Airports (Groundhandling) Regulations 1997 (“the 1997 Regulations”), which relate to access to the groundhandling market at airports in the United Kingdom.

Regulation 4 amends regulation 10 (groundhandling for third parties) of the 1997 Regulations to re-state part of paragraph (10) in a clearer and more accessible way.

Regulation 5 amends regulation 11 (determinations requiring Commission approval) of the 1997 Regulations to remove the role of the European Commission in approving determinations made by the Civil Aviation Authority (CAA) to limit the number of suppliers of groundhandling services, or limit the number of airport users who can self-handle, at an airport. Regulation 8 makes an amendment consequential on this to Schedule 1 (procedure for determinations by the CAA) to the 1997 Regulations.

Regulation 6 amends regulation 12(5) of the 1997 Regulations, to provide that invitations to tender for the selection of groundhandling suppliers are to be published in the CAA’s Official Record, on its website ([www.caa.co.uk](http://www.caa.co.uk)), instead of in the Official Journal of the European Union. Regulation 3 inserts a definition of Official Record in regulation 2(1) (interpretation) of the 1997 Regulations.

Regulation 7 amends regulation 19 (reciprocity) of the 1997 Regulations to remove the power of the Secretary of State to take action against suppliers of groundhandling services from a third country, where that third country does not provide reciprocal access to airports in its territory to suppliers of such services from another EU Member State or Switzerland.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).