

*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.*

DRAFT STATUTORY INSTRUMENTS

2019 No. XXX

**EXITING THE EUROPEAN UNION
CIVIL AVIATION**

The Aviation Noise (Amendment) (EU Exit) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations 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⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Aviation Noise (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

PART 2

Amendment of subordinate legislation

Amendment of the Aeroplane Noise Regulations 1999

2.—(1) The Aeroplane Noise Regulations 1999(2) are amended as follows.

(2) In regulation 4(2) (noise certificate requirements for UK registered propeller driven aeroplanes), for “territories of member States or EEA States or Switzerland” substitute “United Kingdom”.

(3) In regulation 5(2) (noise certificate requirements for UK registered propeller driven aeroplanes), for “territories of member States or EEA States or Switzerland” substitute “United Kingdom”.

(4) In regulation 6 (exemptions for UK registered propeller driven aeroplanes)—

- (a) in paragraph (1), omit “and Gibraltar”;
- (b) in paragraph (2), omit the words from “, Gibraltar” to the end.

(5) In regulation 7(1) (noise certificate requirements for foreign registered propeller driven aeroplanes), omit “, Gibraltar or another member State or EEA State or Switzerland”.

(6) In regulation 8(2) (noise certificate requirements for civil subsonic jet aeroplanes), for “territories of member States or EEA States or Switzerland” substitute “United Kingdom”.

(7) In regulation 9(2) (noise certificate requirements for civil subsonic jet aeroplanes), for “territories of member States or EEA States or Switzerland” substitute “United Kingdom”.

(8) In regulation 11(1) (noise certificate requirements for civil subsonic jet aeroplanes), omit “, Gibraltar or another member State or EEA State or Switzerland”.

(9) In regulation 14 (noise certificate requirements for civil subsonic jet aeroplanes), omit paragraph (3).

(10) In regulation 18(1) (carriage and production of noise certificate), for “territories of member States or EEA States or Switzerland” substitute “United Kingdom”.

(11) Omit regulation 19 (recognition of noise certificates and exemptions issued by other member States or EEA States).

(12) In regulation 25(1) (temporary exemption for jet aeroplanes), omit “and Gibraltar”.

(13) Omit regulation 27 (CAA’s duty in relation to exemptions).

Amendment of the Air Navigation (Environmental Standards for Non-EASA Aircraft) Order 2008

3.—(1) The Air Navigation (Environmental Standards for Non-EASA Aircraft) Order 2008(3) is amended as follows.

- (2) In the title, for “Non-EASA” substitute “Non-Part 21”.
- (3) In article 1 (citation), for “Non-EASA” substitute “Non-Part 21”.
- (4) In article 3 (interpretation)—
 - (a) in paragraph (1)—

(2) [S.I. 1999/1452](#), as amended by [S.I. 1999/2253](#) and [2004/1256](#).

(3) [S.I. 2008/3133](#).

- (i) omit the definitions of “Basic EASA Regulation”, “EASA”, “EASA aircraft”, “EASA certificate of airworthiness”, “EASA permit to fly”, “EASA restricted certificate of airworthiness” and “non-EASA aircraft”;
- (ii) in the appropriate place insert the following definitions—
 - ““Basic Regulation” means Regulation (EU) No 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91;”;
 - ““non-Part 21 aircraft” means an aircraft which is not required by virtue of the Basic Regulation and any implementing rules adopted in accordance with that Regulation to hold—
 - (a) a Part 21 certificate of airworthiness,
 - (b) a Part 21 restricted certificate of airworthiness, or
 - (c) a Part 21 permit to fly;”;
 - ““Part 21 aircraft” means an aircraft which is required by virtue of the Basic Regulation and any implementing rules adopted in accordance with that Regulation to hold—
 - (a) a Part 21 certificate of airworthiness,
 - (b) a Part 21 restricted certificate of airworthiness, or
 - (c) a Part 21 permit to fly;”;
 - ““Part 21 certificate of airworthiness” means a certificate of airworthiness issued in respect of a Part 21 aircraft under and in accordance with subpart H of Part 21;”;
 - ““Part 21 permit to fly” means a permit to fly issued in respect of a Part 21 aircraft under and in accordance with subpart P of Part 21;”;
 - ““Part 21 restricted certificate of airworthiness” means a restricted certificate of airworthiness issued in respect of a Part 21 aircraft under and in accordance with subpart H of Part 21;”;
- (iii) in the definition of “Research aircraft” omit “EASA”;
- (b) in paragraph (2)—
 - (i) for “an EASA equivalent” substitute “a Part 21 equivalent”; and
 - (ii) for “EASA aircraft” substitute “Part 21 aircraft”.
- (5) In the heading to Part 2 (noise certification for non-EASA aircraft), for “Non-EASA” substitute “Non-Part 21”.
- (6) In the heading to article 6 (requirement for a noise certificate for United Kingdom registered State aircraft and Research aircraft for which there is an EASA equivalent type), for “an EASA” substitute “a Part 21”.
- (7) In article 6(1), for “an EASA” substitute “a Part 21”.
- (8) In the heading to article 7 (requirement for a noise certificate for United Kingdom registered State aircraft and Research aircraft for which there is no EASA equivalent type), for “EASA” substitute “Part 21”.

(9) In article 7(1), for “EASA” substitute “Part 21”.

(10) In the heading to article 9 (issue of noise certificate by the CAA for United Kingdom registered State aircraft or Research aircraft for which there is an EASA equivalent type), for “an EASA” substitute “a Part 21”.

(11) In article 9(1), for “an EASA”, in both places it occurs, substitute “a Part 21”.

(12) In the heading to article 10 (issue of noise certificate by the CAA for United Kingdom registered State aircraft or Research aircraft for which there is no EASA equivalent type), for “EASA” substitute “Part 21”.

(13) In article 10(1)(b), for “EASA” substitute “Part 21”.

(14) In the heading to Part 3 (emissions certification for non-EASA Aircraft), for “Non-EASA” substitute “Non-Part 21”.

(15) In articles 14 to 17 (emissions certification), for “non-EASA”, in each place it appears, substitute “non-Part 21”.

(16) In the heading to Part 4 (carriage of and production and revocation of noise certificate for Non-EASA Aircraft), for “Non-EASA” substitute “Non-Part 21”.

(17) In article 20 (noise certificate to be carried), for “non-EASA”, in each place it appears, substitute “non-Part 21”.

Amendment of the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018

4. In the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018(4), in regulation 2 (interpretation), in the definition of “the 2014 Regulation” for “Union” substitute “United Kingdom”.

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EU) No 598/2014

5.—(1) Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing [Directive 2002/30/EC](#) is amended as follows.

(2) In the title, for “Union” substitute “United Kingdom”.

(3) In Article 1(2)(a) (subject matter, objectives and scope), for “Union rules” to the end substitute “legislation within the United Kingdom”.

(4) In Article 2 (definitions), at the end insert—

“(7) ‘relevant authority’ means—

(a) in relation to England and Wales, the Secretary of State;

(b) in relation to Northern Ireland, the Northern Ireland Department for Infrastructure; and

(c) in relation to Scotland, the Scottish Ministers.

(8) ‘relevant environmental noise regulations’ means—

- (a) in relation to England, the Environmental Noise (England) Regulations 2006⁽⁵⁾;
 - (b) in relation to Northern Ireland, the Environmental Noise Regulations (Northern Ireland) 2006⁽⁶⁾;
 - (c) in relation to Scotland, the Environmental Noise (Scotland) Regulations 2006⁽⁷⁾; and
 - (d) in relation to Wales, the Environmental Noise (Wales) Regulations 2006⁽⁸⁾.”.
- (5) In Article 3 (competent authorities)—
- (a) in paragraph 1, for the words from “A Member State” to “located” substitute “Where an airport is located in Great Britain, the Secretary of State, or in Northern Ireland, the Northern Ireland Department for Infrastructure,”; and
 - (b) omit paragraph 3.
- (6) In Article 4 (right of appeal)—
- (a) in paragraph 1, for “Member States” substitute “The relevant authority”; and
 - (b) omit paragraph 2.
- (7) In Article 5 (general rules on aircraft noise management)—
- (a) omit paragraph 1;
 - (b) in paragraph 2—
 - (i) for “Member States” substitute “The competent authority”; and
 - (ii) in point (a), for “Article 8 of, and Annex V to, [Directive 2002/49/EC](#)” substitute “requirements relating to action plans under the relevant environmental noise regulations”;
 - (c) in paragraph 3, in the first paragraph, for “Member States” substitute “The competent authority”; and
 - (d) in paragraph 3, in the second paragraph—
 - (i) for “Member States, or airport” substitute “Airport”; and
 - (ii) omit “, as appropriate,”.
- (8) In Article 6 (rules on noise assessment)—
- (a) in paragraph 1, for “[Directive 2002/49/EC](#)” to the end substitute “the relevant environmental noise regulations”;
 - (b) for paragraph 2(d)(vi) substitute—
 - “(vi) Eurocontrol, as defined in Article 2(20) of Regulation [\(EC\) No 549/2004](#) of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky”.
- (9) In Article 7 (noise performance information)—
- (a) in paragraph 2—
 - (i) for “Commission” substitute “Civil Aviation Authority”; and
 - (ii) for “Union” substitute “United Kingdom”; and

(5) S.I. 2006/2238, as amended by S.I. 2008/375, 2009/1610, 2010/340, 2015/377 and 2018/1089.

(6) S.R. 2006 No. 387, as amended by S.R. 2018 No. 190.

(7) S.S.I. 2006/465, as amended by S.S.I. 2018/342.

(8) S.I. 2006/2629 (W. 225), as amended by S.I. 2009/47 (W. 15) and S.I. 2018/1208 (W. 245).

- (b) in paragraphs 3 and 5, for “Agency”, in each place it appears, substitute “Civil Aviation Authority”.
- (10) In Article 8 (rules on the introduction of operating restrictions)—
 - (a) in paragraph 1—
 - (i) omit “to Member States, the Commission and relevant interested parties”; and
 - (ii) after “period” insert—
 - “, to:
 - (a) the relevant authority if that authority is not the competent authority; and
 - (b) the relevant interested parties”;
 - (b) in paragraph 2, omit from “, including” to the end;
 - (c) omit paragraph 3; and
 - (d) in paragraph 4, for “Member States” substitute “relevant authority”.
- (11) In Article 9 (developing countries)—
 - (a) in paragraph 1(b), for “Union” substitute “United Kingdom”; and
 - (b) omit paragraph 2.
- (12) In Article 11(1) (delegated acts), for “Commission shall be empowered to adopt delegated acts in accordance with Article 12” substitute “The Secretary of State may make regulations”.
- (13) For Article 12 (exercise of the delegation) substitute—

“Article 12

Regulations

1. Regulations made under this Regulation are to be made by statutory instrument.
 2. Regulations made under this Regulation are subject to annulment in pursuance of a resolution of either House of Parliament.
 3. Regulations made under this Regulation may—
 - (a) make different provision for different purposes or areas;
 - (b) include supplementary, incidental or consequential provision;
 - (c) make transitional, transitory or saving provision.”.
- (14) Omit Article 13 (information and revision).
 - (15) After Article 17 (entry into force) omit the sentence beginning with the words “This Regulation shall be”.
 - (16) In Annex 1—
 - (a) in paragraph 1 following “Indicators”, for “Annex I to [Directive 2002/49/EC](#)” substitute “the relevant environmental noise regulations”;
 - (b) in paragraph 1.3 following “Noise management information”, for “Annex II to [Directive 2002/49/EC](#)” substitute “the relevant environmental noise regulations”; and
 - (c) in paragraph 1.4.3(d), omit from “, as mentioned in” to the end.
 - (17) In Annex 2, in point (4) for “European” substitute “United Kingdom”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

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) (“the 2018 Act”) 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) and (5) and (6)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of aviation noise.

Part 2 amends domestic subordinate legislation. It makes amendments to:

- (a) the Aeroplane Noise Regulations 1999 (regulation 2), which make provision in relation to noise limits, noise certification and noise emissions from subsonic jet aeroplanes;
- (b) the Air Navigation (Environmental Standards for Non-EASA Aircraft) Order 2008 (regulation 3), which sets out environmental standards relating to noise and emissions of certain UK registered aircraft which are not subject to the Basic European Aviation Safety Regulation (Regulation (EU) No 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency); and
- (c) the Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 (regulation 4), to reflect a change being made to the title of retained Regulation (EU) No 598/2014 establishing rules and procedures with regard to the introduction of noise-related operating restrictions at major airports.

These changes are made to ensure this domestic legislation continues to operate effectively as part of retained EU law and reflect the United Kingdom’s withdrawal from the European Union and the European Economic Area. This will mean that the United Kingdom will no longer be a Member State or part of the system of mutual recognition of noise certificates issued by the authorities of EU Member States, EEA States and Switzerland. They also reflect the United Kingdom leaving the system of aviation safety overseen by the European Union Aviation Safety Agency, under Regulation (EU) 2018/1139 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency.

Part 3 amends the retained Regulation (EU) No 598/2014 (regulation 5). The rules and procedures laid down in that Regulation are based on the principles of the balanced approach to noise management agreed by the International Civil Aviation Organisation. The amendments to that Regulation reflect the withdrawal of the United Kingdom from the European Union, the resulting removal of the role of the European Commission and EU Member States, giving that role to domestic bodies, and replace references to EU Directives with references to retained domestic implementing regulations.

An 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 is published alongside the instrument on www.legislation.gov.uk.