
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

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(1);
- (b) in relation to Northern Ireland, the Environmental Noise Regulations (Northern Ireland) 2006(2);
- (c) in relation to Scotland, the Environmental Noise (Scotland) Regulations 2006(3); and
- (d) in relation to Wales, the Environmental Noise (Wales) Regulations 2006(4).”.

(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.

(1) S.I. 2006/2238, as amended by S.I. 2008/375, 2009/1610, 2010/340, 2015/377 and 2018/1089.
(2) S.R. 2006 No. 387, as amended by S.R. 2018 No. 190.
(3) S.S.I. 2006/465, as amended by S.S.I. 2018/342.
(4) S.I. 2006/2629 (W. 225), as amended by S.I. 2009/47 (W. 15) and S.I. 2018/1208 (W. 245).

- (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
 - (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”.