
STATUTORY INSTRUMENTS

1994 No. 1731

CIVIL AVIATION

The Access for Community Air Carriers to Intra-Community Air Routes (Second Amendment and other Provisions) Regulations 1994

<i>Made</i>	- - - -	<i>30th June 1994</i>
<i>Laid before Parliament</i>		<i>1st July 1994</i>
<i>Coming into force</i>	- -	<i>1st July 1994</i>

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:—

1. These Regulations may be cited as the Access for Community Air Carriers to Intra-Community Air Routes (Second Amendment and other Provisions) Regulations 1994 and shall come into force on 1st July 1994.

2.—(1) The Access for Community Air Carriers to Intra-Community Air Routes Regulations 1992⁽³⁾ shall be amended as follows.

(2) In regulation 2(1) for the words “Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation” there shall be substituted the words “the EEA Agreement⁽⁴⁾ as amended by the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994⁽⁵⁾”.

(3) In regulation 2, after paragraph (1), there shall be inserted the following paragraph—

“(1A) In these Regulations—

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993; and

(1) S.I. [1993/2661](#).

(2) [1972 c. 68](#). The definition of “The Treaties” in section 1 of the Act was amended by section 1 of both the European Communities (Amendment) Act [1993 \(c. 32\)](#) and the European Economic Area Act [1993 \(c. 51\)](#).

(3) S.I. [1992/2993](#), amended by S.I. [1993/3040](#).

(4) Cm 2073 and 2183.

(5) Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement: OJ No. L 160, 28.6.94, p 1.

“EEA State” means a State which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein.”

(4) In regulation 4(c) for the words “another member State” there shall be substituted the words “another EEA State”.

(5) In regulation 5(a) for the words “territory of Svalbard” there shall be substituted the words “territories of Svalbard and the land islands”.

(6) In regulation 5(d) for the words “another member State” there shall be substituted the words “another EEA State”.

(7) In regulation 5(f) for the words “another member State” there shall be substituted the words “another EEA State”.

(8) In regulation 6 for the words “another member State” there shall be substituted the words “another EEA State”.

3. In paragraph (1) of article 88 of the Air Navigation Order 1989⁽⁶⁾ for the words “Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation” there shall be substituted the words “the EEA Agreement as amended by the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994”.

4. In section 3 of the Highlands and Islands Air Services (Scotland) Act 1980⁽⁷⁾ in the definition of “air services” for the words “Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation” there shall be substituted the words “the EEA Agreement as amended by the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994”.

5. In section 3 of the Highlands and Islands Air Services (Scotland) Act 1980 after the definition of “air services” there shall be inserted the following definition—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993; and”.

Signed by authority of the Secretary of State for Transport

Department of Transport
30th June 1994

Mackay of Ardbrecknish
Parliamentary Under Secretary of State,

⁽⁶⁾ S.I. 1989/2004, the relevant amending instruments are S.I. 1992/2993 and S.I. 1993/3040.

⁽⁷⁾ 1980 c. 19. The definition of “air services” was substituted by a new definition set out in regulation 4 of the Access for Community Air Carriers to Intra-Community Air Routes (Amendment and other Provisions) Regulations 1993 (S.I. 1993/3040).

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations further amend the Access for Community Air Carriers to Intra-Community Air Routes Regulations 1992 by amending the definition of the Council Regulation in regulation 2(1) so as to take into account the amendment of the Annexes to the EEA Agreement done by the Decision of the EEA Joint Committee No. 7/94.

Amendments to the same effect are also made to section 3 of the Highlands and Islands Air Services (Scotland) Act 1980 and article 88(1) of the Air Navigation Order 1989 (regulations 3, 4 and 5).

Regulations 4(c), 5(d), 5(f) and 6 of the said 1992 Regulations are amended so that references to a member State become references to an EEA State (regulation 2).

Regulation 5(a) of the said 1992 Regulations is amended so that the previous exclusion of airports in Svalbard from the automatic permission to exercise traffic rights is extended to include airports in the land islands (regulation 2).