
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Single European Sky (National Supervisory Authority) Regulations 2004 (S.I. 2004/1958) (the 2004 Regulations) and the Single European Sky (Functions of the National Supervisory Authority) Regulations 2006 (S.I. 2006/3104) (the 2006 Regulations) reflecting the updates introduced by Regulation (EC) 1070/2009 (OJ L 300, 14.11.2009, p.34).

The legislative basis for the European Single European Sky initiative consists of four high-level EU Regulations: the framework Regulation (No 549/2004) OJ L 96, 31.3.2004, p.1, the service provision Regulation (No 550/2004) OJ L 96, 31.3.2004, p.10, the airspace Regulation (No 551/2004) OJ L 96, 31.3.2004, p.20 and the interoperability Regulation (No 552/2004) OJ L 96, 31.3.2004, p.26. The 2004 Regulations and the 2006 Regulations implemented certain provisions of the EU Regulations. The EU Regulations have since been amended by Regulation (EC) 1070/2009 of the European Parliament and of the Council of 21 October 2009. These Regulations reflect the changes made by those amending EU Regulations.

Regulation 1 revokes the 2004 Regulations and the 2006 Regulations.

Regulation 3(1) provides for the continuation of the Civil Aviation Authority (CAA) as the United Kingdom's national supervisory authority for the purpose of performing the tasks and functions assigned to such an authority under the measures listed in Schedule 1 to these Regulations. By virtue of regulation 3(2), section 4 of the Civil Aviation Act 1982 does not apply to the tasks and functions to which regulations 3(1) and 4 apply.

Regulation 4 provides for the continuation of the CAA as the competent authority for the purpose of Article 12(4) of the service provision Regulation. As such a competent authority, the CAA has a right of access to the accounts of those providing air navigation services in the United Kingdom.

Regulation 5 requires the CAA to perform the tasks and functions specified in Table 1. Those relate to the mutual recognition of certification, the designation of air traffic services and meteorological services in the United Kingdom and its airspace, informing the Commission and other Member States of any decisions relating to such designations, and the approval of working relationships between air traffic service providers and between certain meteorological service providers.

Regulation 6 requires the CAA to perform the tasks and functions in and arising under the interoperability Regulation. The first entry in Table 2 confers responsibility on the CAA for enforcement of implementing rules made under Article 3 of the interoperability Regulation that are listed in Schedule 2. The second entry relates to the declaration by the CAA of systems and constituents of the European Air Traffic Management Network (EATMN) as compliant with the essential requirements and exempt from the requirements of EU declarations on conformity and verification under the interoperability Regulation.

Regulation 7 authorises the CAA to conclude arrangements with other national supervisory authorities regarding the division of responsibilities in relation to supervisory tasks and functions.

Regulation 8 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 33

Changes to legislation: There are currently no known outstanding effects for the The Single European Sky (National Supervisory Authority) Regulations 2013. (See end of Document for details)

Horseferry Road, London, SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside this instrument at <http://www.legislation.gov.uk>.

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