
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except for paragraphs 9(c) and 17 of Schedule 1) are made in exercise of the powers in section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(a), (b), (c), (d), (e) and (g) and (3)(a)) arising from the withdrawal of the United Kingdom from the European Union. The Regulations make amendments to legislation in the field of the operation of air services.

Paragraphs 9(c) and 17 of Schedule 1, which come into force 22 days after these Regulations are made, are made under section 2(2) of the European Communities Act 1972. These amendments update references to European legislation.

Part 2 amends the Civil Aviation Act 1982, in particular section 69A which specifies the circumstances in which an operator of an aircraft must obtain a route licence.

Part 3 amends and revokes subordinate legislation. Regulation 3 amends the definition of “qualifying carrier” in the Civil Allocation (Allocation of Scarce Capacity) Regulations 2007. Regulations 4 and 5 and Schedule 1 amend the Operation of Air Services in the Community Regulations 2009 and the Operation of Air Services in the Community (Pricing etc.) Regulations 2013. These sets of Regulations implement various aspects of Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community and make provision for enforcement and penalties. Regulation 6 amends the Air Navigation Order 2016, in particular Articles 250 and 252 which set out prohibited behaviour in relation to the operation of foreign-registered aircraft.

Part 4 amends and revokes certain retained EU legislation. Regulation 7 and Schedule 2 amend Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community. This Regulation currently regulates the licencing of EU air carriers, the right of EU air carriers to operate intra-EU air services, the imposition of public service obligations in respect of scheduled air services, and the pricing of intra-EU air services. Regulation 8 revokes Regulation (EC) 847/2004 on the negotiation and implementation of air services agreements between Member States and third countries.

Part 5 revokes the adaptations of Regulation (EC) No 1008/2008 in paragraph 64a of Annex XIII to the EEA Agreement.

Part 6 makes transitional and savings provision in relation to operating licences.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018.