
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(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 in retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (c), (e) and (g) and (5) and (6)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend legislation in the field of aviation, relating to the allocation of slots at congested airports, to ensure that it operates effectively as part of retained EU law. Part 2 amends the Airports Slot Allocation Regulations 2006 (“the 2006 Regulations”). Part 3 amends the retained Annex 13 to the EEA Agreement (transport) and a retained EU Regulation, [Council Regulation \(EEC\) No 95/93](#) on common rules for the allocation of slots at Community airports (“Regulation 95/93”).

Part 2 (regulation 2) amends regulations 2 (interpretation), 8 (process of slot allocation), 11 (slot pool) and 13 (relations with third countries) of the 2006 Regulations. These amendments reflect the withdrawal of the United Kingdom from the European Union and the European Economic Area and, in particular, the fact that the European Commission will no longer have a role in relation to the allocation of slots at airports in the United Kingdom.

Regulation 3 omits paragraph 64b from Annex 13 (transport) to the EEA Agreement, so far as retained by section 3(2)(b) of the 2018 Act, since this provision will no longer be relevant from exit day, as the United Kingdom will no longer be part of the European Economic Area and will not be required to inform the European Commission under Article 12 of Regulation 95/93 about serious difficulties encountered by UK air carriers in third countries.

Regulations 4 to 18 amend the title and the following provisions of Regulation 95/93: Articles 1 (scope), 2 (definitions), 3 (conditions for airport coordination), 4 (the schedules facilitator and the coordinator), 5 (coordination committee), 6 (coordination parameters), 8 (process of slot allocation), 8b (exclusion of compensation claims), 9 (public service obligations), 10 (slot pool), 11 (complaints and rights of appeal), 12 (relations with third countries) and 13 (committee procedure). Regulations 19 to 21 omit Articles 14(5) (sanctions for misuse of slots), 14a (report and cooperation) and the application provision after Article 15 (entry into force) of Regulation 95/93. These amendments reflect the withdrawal of the United Kingdom from the European Union, the resulting removal of the role of the European Commission and the removal of the United Kingdom from the European Union legal system.

These Regulations also transfer the following powers of the European Commission to the Secretary of State: to require a capacity analysis to be carried out at a UK airport (regulation 8(3)(b)); and, by a new regulation making power, to suspend the application of Regulation 95/93 in relation to air carriers from another country with a view to remedying discriminatory behaviour by that country in relation to UK air carriers (regulations 17(3)(d) and 18).

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.