
STATUTORY INSTRUMENTS

2019 No. 459

**The Air Traffic Management (Amendment
etc.) (EU Exit) Regulations 2019**

PART 2

Amendment and revocation of retained direct principal EU legislation

CHAPTER 3

Amendment of Regulation (EC) No 551/2004

Regulation (EC) No 551/2004: introduction

45. Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) is amended in accordance with regulations 46 to 55.

Article 1 of Regulation (EC) No 551/2004

46.—(1) Article 1 (objective and scope) is amended as follows.

(2) In paragraph 1—

(a) for “in the Single European Sky” substitute “under the responsibility of the United Kingdom”, and

(b) omit the words from “support” to “and to”.

(3) In paragraph 3—

(a) for “and AFI regions where Member States are” substitute “region where the United Kingdom is”, and

(b) omit the second sentence.

(4) Omit paragraph 4.

Article 3 of Regulation (EC) No 551/2004

47. Omit Article 3 (European Upper Flight Information Region).

Article 3a of Regulation (EC) No 551/2004

48.—(1) Article 3a (electronic aeronautical information) is amended as follows.

(2) In paragraph 1 for the words beginning with “Without” and ending with “cooperation” substitute “The national supervisory authority, working in consultation”.

(3) In paragraph 2—

(a) in the opening words for “Commission” substitute “national supervisory authority”,

- (b) in point (a) for “ensure the development of a Community wide” substitute “contribute to the development of an”, and
- (c) in point (b) for “close cooperation” substitute “consultation”.
- (4) Omit paragraph 3.

Article 4 of Regulation (EC) No 551/2004

- 49.**—(1) Article 4 (rules of the air and airspace classification) is amended as follows.
- (2) The unnumbered paragraph becomes paragraph 1.
 - (3) In that paragraph, for the words before point (a) substitute—
 - “1. The Secretary of State may by regulations made by statutory instrument make provision to:”
 - (4) In point (b) omit the words from “, in order” to the end.
 - (5) At the end insert—
 - “2. Regulations under paragraph 1—
 - (a) may make different provision for different purposes;
 - (b) may make transitional, transitory or saving provision;
 - (c) may make consequential, incidental or supplementary provision.
 - 3. A statutory instrument containing regulations under paragraph 1 is subject to annulment in pursuance of a resolution of either House of Parliament..”

Article 6 of Regulation (EC) No 551/2004

- 50.**—(1) Article 6 (network management and design) is amended as follows.
- (2) For paragraphs 1 to 5 substitute—
 - “1. The Secretary of State may by regulations made by statutory instrument make provision imposing requirements on any person in connection with the exercise by any person of the air traffic management (ATM) network functions.
 - 2. The air traffic management (ATM) network functions are—
 - (a) the functions described in Article 6(2) of Regulation (EC) No 551/2004, as that regulation has effect in EU law as amended from time to time⁽¹⁾,
 - (b) additional functions added to that list in accordance with Article 6(3) of that Regulation as it has effect in EU law as amended from time to time, and
 - (c) functions under implementing rules adopted under Article 6(4) of that Regulation as it has, and as those rules have, effect in EU law as amended from time to time.”
 - (3) In paragraph 6 for “Member States” substitute “The Secretary of State”.
 - (4) In paragraph 7—
 - (a) for “Implementing rules for” substitute “The Secretary of State may by regulations made by statutory instrument make provision about”,
 - (b) omit the words beginning with “shall be developed” and ending with “Article 5(3) of the framework Regulation,”, and
 - (c) for “These rules” substitute “Regulations under this paragraph”.

(1) OJ L 96, 31.3.2004, p. 20.

(5) In paragraph 8 for “The implementing rules for air traffic flow management” substitute “Regulations under paragraph 7”.

(6) In paragraph 9 for “the implementing rules the Commission” substitute “regulations under paragraph 7 the Secretary of State”.

(7) At the end insert—

“**10.** Regulations under paragraph 1 or 7—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

11. A statutory instrument containing regulations under paragraph 1 or 7 is subject to annulment in pursuance of a resolution of either House of Parliament.”.

Article 7 of Regulation (EC) No 551/2004

51.—(1) Article 7 (flexible use of airspace) is amended as follows.

(2) In paragraph 1—

- (a) for “their responsibility” substitute “the responsibility of the Secretary of State”,
- (b) for “Member States” substitute “the persons mentioned in paragraph 1A”,
- (c) for “Single European Sky” substitute “UK ATMS”, and
- (d) omit “in the context of the common transport policy”.

(3) After that paragraph insert—

“**1A.** Those persons are:

- (a) any air navigation service provider,
- (b) the national supervisory authority, and
- (c) the Secretary of State.”.

(4) In paragraph 2—

- (a) for “Member States” substitute “The national supervisory authority”,
- (b) for “Commission” substitute “Secretary of State”,
- (c) omit “, in the context of the common transport policy,”, and
- (d) for “their responsibility” substitute “the responsibility of the United Kingdom”.

(5) For paragraph 3 substitute—

“**3.** The Secretary of State may by regulations made by statutory instrument make provision about the flexible use of airspace.

4. When making regulations under paragraph 3 the Secretary of State must have regard to the reports mentioned in paragraph 2.

5. Regulations under paragraph 3—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;
- (c) may make consequential, incidental or supplementary provision.

6. A statutory instrument containing regulations under paragraph 3 is subject to annulment in pursuance of a resolution of either House of Parliament.”.

Article 8 of Regulation (EC) No 551/2004

52. For Article 8 (temporary suspension) substitute—

“Article 8

Disapplication of Article 7

Article 7(1) does not apply if and to the extent that it gives rise to significant operational difficulties.”.

Article 10 of Regulation (EC) No 551/2004

53. Omit Article 10 (review).

Article 10 of Regulation (EC) No 551/2004

54. Omit Article 11 (entry into force).

Further amendment of Regulation (EC) No 551/2004

55. After Article 11 omit the sentence which begins “This Regulation shall be binding”.