
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 4

Amendment of Regulation (EC) No 552/2004

Regulation (EC) No 552/2004: introduction

56. Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) is amended in accordance with regulations 57 to 63.

Article 4 of Regulation (EC) No 552/2004

57.—(1) Article 4 (community specifications) is amended as follows.

(2) In paragraph 1—

- (a) for the words before point (a) substitute “In this Regulation and the other measures referred to in Article 3 of the framework Regulation, “Community specifications” means:”, and
- (b) in point (b), for “the framework Regulation” substitute “Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky, as that Regulation has effect in EU law as amended from time to time⁽¹⁾”.

(3) Omit paragraphs 3 and 4.

(4) In paragraph 5—

- (a) for “a Member State or the Commission” substitute “the Secretary of State”, and
- (b) for the words beginning with “which” to the end of the paragraph substitute “to which the said Community specification relates, the Secretary of State may direct that paragraph 2 does not apply in relation to the specification. Accordingly, compliance with the essential requirements and/or the implementing rules for interoperability must not be presumed for systems, together with the associated procedures, or constituents that meet the specification.”.

(5) After paragraph (5) insert—

“**5A.** As soon as possible after making a direction under paragraph 5 the Secretary of State must publish the direction in a way that the Secretary of State considers is likely to bring it to the attention of persons likely to be interested in it..”.

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

- (6) Omit paragraphs 6 and 7.

Article 5 of Regulation (EC) No 552/2004

58.—(1) Article 5 (declaration of conformity or suitability for use of constituents) is amended as follows.

- (2) In the heading for “EC declaration” substitute “Declaration”.
- (3) In paragraph 1 for “an EC” substitute “a”.
- (4) In paragraph 2—
- (a) after “, or” insert “if the manufacturer is not established in the United Kingdom,”,
 - (b) for “Community” substitute “United Kingdom”, and
 - (c) omit “EC”.
- (5) In paragraph 3 omit “EC”.
- (6) After paragraph 3 insert—

“**3A.** Paragraph 3B applies in relation to an EC declaration of conformity or suitability for use made before exit day in accordance with Article 5 of Regulation (EC) No 552/2204(2) which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018.

3B. The declaration is, for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as a declaration made in accordance with this Article by a manufacturer established in the United Kingdom.”

- (7) In paragraph 4 for “notified bodies referred to in Article 8” substitute “bodies appointed to carry out those tasks”.

Article 6 of Regulation (EC) No 552/2004

59.—(1) Article 6 (declaration of verification of systems) is amended as follows.

- (2) In the heading for “EC declaration” substitute “Declaration”.
- (3) In paragraph 1—
- (a) for “an EC” substitute “a”, and
 - (b) omit “, when integrated into the EATMN”.
- (4) In paragraph 2 for “an EC” substitute “a”.
- (5) After paragraph 2 insert—

“**2A.** Paragraph 2B applies in relation to an EC declaration of verification submitted to the national supervisory authority of a Member State before exit day in accordance with Article 6 of Regulation (EC) No 552/2004(3) which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018.

2B. The declaration is, for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as a declaration submitted to the national supervisory authority in accordance with this Article.”

- (6) In paragraph 3 for “notified bodies as referred to in Article 8” substitute “bodies appointed to carry out those tasks”.

(2) OJ L 96, 31.3.2004, p. 26.

(3) OJ L 96, 31.3.2004, p. 26.

- (7) In paragraph 4 omit “EC”.

Article 6a of Regulation (EC) No 552/2004

60. In Article 6a (alternative verification of compliance) omit “EC” in the second and third places it occurs.

Article 7 of Regulation (EC) No 552/2004

61.—(1) Article 7 (safeguards) is amended as follows.

- (2) In paragraph 1—
- (a) in sub-paragraph (a) for “an EC” substitute “a”, and
 - (b) in sub-paragraph (b) omit “EC”.
- (3) Omit paragraphs 2 to 6.

Annex 3 to Regulation (EC) No 552/2004

62.—(1) Annex 3 (constituents) is amended as follows.

- (2) Omit “EC” in each place it occurs.
- (3) For “declaration”, in the first place it occurs, substitute “Declaration”.
- (4) In point 1—
- (a) for “will be” substitute “are”, and
 - (b) omit “in accordance with the provisions of Article 3 of this Regulation”.
- (5) In point 2—
- (a) for “notified” substitute “appointed”, and
 - (b) for “93/465/EC” substitute “768/2008/EC”.
- (6) In point 3—
- (a) in the second indent—
 - (i) after “manufacturer or” insert “, if the manufacturer is not established in the United Kingdom,”, and
 - (ii) for “Community” substitute “United Kingdom”,
 - (b) in the sixth indent for “notified” substitute “appointed”, and
 - (c) in the eighth indent—
 - (i) after “manufacturer or” insert “, if the manufacturer is not established in the United Kingdom,”, and
 - (ii) for “Community” substitute “United Kingdom”.

Annex 4 to Regulation (EC) No 552/2004

63.—(1) Annex 4 (systems) is amended as follows.

- (2) Omit “EC” in each place it occurs.
- (3) For “declaration”, in the first place it occurs, substitute “Declaration”.
- (4) In point 1, in the fifth indent for “notified” substitute “appointed”.
- (5) In point 2—
- (a) for “a notified” substitute “an appointed”, and

- (b) for “the notified” substitute “the appointed”.
- (6) In point 3—
 - (a) in the second indent for “as referred to in Article 3 of this Regulation” substitute “identified in the relevant implementing rules for interoperability”,
 - (b) in the third indent for “notified” substitute “appointed”, and
 - (c) in each of the fourth and fifth indents for “a notified” substitute “an appointed”.
- (7) In point 4 omit the last sentence.