
STATUTORY INSTRUMENTS

2020 No. 694

**The Air Traffic Management (Amendment
etc.) (EU Exit) Regulations 2020**

PART 2

Amendment and revocation of retained direct EU legislation

CHAPTER 1

Amendment of Commission Implementing Regulation (EU) 2017/373

Commission Implementing Regulation (EU) 2017/373: introduction

2. Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 is amended in accordance with regulations 3 to 15.

Commencement Information

I1 Reg. 2 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 1 of Commission Implementing Regulation (EU) 2017/373

3. In Article 1 (subject matter), point 2—
- (a) for “authorities” substitute “ authority ”, and
 - (b) for “their” substitute “ its ”.

Commencement Information

I2 Reg. 3 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 2 of Commission Implementing Regulation (EU) 2017/373

4. In Article 2 (definitions) after point (1) insert—
- “(1A) ‘the CAA’ means the Civil Aviation Authority;”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 3 of Commission Implementing Regulation (EU) 2017/373

- 5.—(1) Article 3 (provision of ATM/ANS and ATM network functions) is amended as follows.
- (2) In paragraph 1 for “Member States” substitute “ The Secretary of State ”.
- (3) In paragraph 2—
- (a) for “Member States adopt” substitute “ the Secretary of State adopts ”,
 - (b) omit “on any matters left to the Member States under this Regulation”,
 - (c) for “in addition to notifying” substitute “ the Secretary of State shall notify ”, and
 - (d) omit “, the Member States shall notify the European Aviation Safety Agency (the ‘Agency’)”.
- (4) In paragraph 3—
- (a) for “Member States” substitute “ The CAA ”, and
 - (b) for “their” substitute “ its ”.
- (5) In paragraph 4—
- (a) for “a Member State” substitute “ the Secretary of State ”,
 - (b) for “that Member State” substitute “ he or she ”, and
 - (c) omit “Union and national”.

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 4 of Commission Implementing Regulation (EU) 2017/373

6.—(1) Article 4 (competent authority for certification, oversight and enforcement) is amended as follows.

- (2) For paragraph 1 substitute—

“1. The competent authority responsible for the issuing of certificates to service providers, for the acknowledgement of receipts of declarations made by providers of flight information services referred to in Article 7 where relevant and for oversight and enforcement in respect of service providers shall be the CAA.”.

- (3) Omit points 3, 4 and 7.

Commencement Information

I5 Reg. 6 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 6 of Commission Implementing Regulation (EU) 2017/373

- 7.—(1) Article 6 (service providers) is amended as follows.
- (2) In point (c) omit “, and providers of air traffic flow management and the Network Manager”.
- (3) In point (k) omit “, when those requirements will be adopted by the Commission”.
- (4) Omit point (l).

Commencement Information

I6 Reg. 7 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 7 of Commission Implementing Regulation (EU) 2017/373

8. In Article 7 (declaration by providers of flight information services) for “Member States allow” substitute “ the Secretary of State allows ”.

Commencement Information

I7 Reg. 8 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 8 of Commission Implementing Regulation (EU) 2017/373

9. In Article 8 (existing certificates), in paragraph 2, for “Member States” substitute “ The competent authority ”.

Commencement Information

I8 Reg. 9 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Article 9 of Commission Implementing Regulation (EU) 2017/373

10. In Article 9 (repeal and amendment) omit paragraph 3.

Commencement Information

I9 Reg. 10 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Annex 1 to Commission Implementing Regulation (EU) 2017/373

11.—(1) Annex 1 (definition of terms used in Annexes 2 to 13) is amended as follows.

(2) In point (1) for “Agency” substitute “ competent authority ”.

(3) In point (23)—

(a) for “alternative means of compliance (AltMOC)” substitute “ means of compliance (MOC) ”, and

(b) for “Agency” substitute “ competent authority ”.

(4) For point (30) substitute—

“(30) ‘ATM network functions’ means the air traffic management (ATM) functions mentioned in Article 6(2) of Regulation (EU) No 551/2004;”.

(5) In point (32)—

(a) in point (a) for “a State authority” substitute “ the competent authority ”,

(b) in point (b)—

(i) for “State authority” substitute “ competent authority ”, and

(ii) for “that State” substitute “ the Secretary of State ”.

- (6) In point (36) for “Agency” substitute “ competent authority ”.
- (7) In point (59) for “Agency” substitute “ competent authority ”.
- (8) In point (88) for “a competent authority” substitute “ the competent authority ”.
- (9) In point (108) for “Member States” substitute “ United Kingdom ”.

Commencement Information

I10 Reg. 11 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Annex 2 to Commission Implementing Regulation (EU) 2017/373

12.—(1) Annex 2 (requirements for the competent authority – oversight of services and other ATM network functions) is amended as follows.

(2) In point ATM/ANS.AR.A.005 (certification, oversight and enforcement tasks) in point (b)(2) for “they are” substitute “ it is ” and for “their” substitute “ its ”.

(3) In point ATM/ANS.AR.A.015 (means of compliance) omit point (e)(2) and the unnumbered point that follows it.

(4) In point ATM/ANS.AR.B.010 (changes in the management system) for “Agency” substitute “ Secretary of State ”.

(5) In point ATM/ANS.AR.C.005 (certification, declaration and verification of service providers' compliance with the requirements) in point (b)(5) omit “Article 9 of Regulation (EC) No 549/2004,”.

Commencement Information

I11 Reg. 12 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Annex 3 to Commission Implementing Regulation (EU) 2017/373

13.—(1) Annex 3 (common requirements for service providers) is amended as follows.

(2) In the title for SUBPART D omit the words “AND ATFM PROVIDERS AND THE NETWORK MANAGER”.

(3) In point ATM/ANS.OR.D.001 (scope) for “and air traffic flow management (ATFM) providers and the Network Manager” substitute “ providers ”.

(4) In point ATM/ANS.OR.D.005 (business, annual, and performance plans)—

(a) in point (a) (business plan)—

(i) in point (1) omit “and air traffic flow management”,

(ii) in point (1)(i)—

(aa) omit “and of the air traffic flow management”,

(bb) omit “or of the air traffic flow management provider”, and

(cc) for “Union” substitute “ applicable ”,

(iii) in point (1)(ii) for “Commission Implementing Regulation (EU) No 390/2013” substitute “ Chapter IV of Part 1 of the Transport Act 2000 ”,

(iv) in point (2) for “the performance plan referred to in Article 11 of Regulation (EC) No 549/2004” substitute “ any performance plan that may be required pursuant to Chapter IV of Part 1 of the Transport Act 2000 ”,

- (v) in point (3)—
 - (aa) omit “and air traffic flow management”, and
 - (bb) omit the words from “and identifying” to the end of the point;
- (b) in point (b) (annual plan)—
 - (i) in point (1) omit “and air traffic flow management”,
 - (ii) in point (2)(i) omit “or of the air traffic flow management provider”, and
 - (iii) in point (2)(ii) for “the performance plan referred to in Article 11 of Regulation (EC) No 549/2004” substitute “ any performance plan that may be required pursuant to Chapter IV of Part 1 of the Transport Act 2000 ”,
 - (iv) in each of points (iii) and (iv) omit “and air traffic flow management”; and
- (c) in point (c) (performance part of the plans)—
 - (i) omit “and the air traffic flow management”,
 - (ii) for “Commission” substitute “ competent authority ”, and
 - (iii) for “national” substitute “ applicable ”.
- (5) In point ATM/ANS.OR.D.010 (security management) in points (a), (c) and (d) for “and air traffic flow management providers and the Network Manager” substitute “ providers ” in each place where it occurs.
- (6) In point ATM/ANS.OR.D.015 (financial strength – economic and financial capacity) omit “and air traffic flow management”.
- (7) In point ATM/ANS.OR.D.020 (liability and insurance cover)—
 - (a) in points (a) and (c) for “and air traffic flow management providers and the Network Manager” substitute “ providers ” in each place where it occurs, and
 - (b) in point (b) omit “and the Network Manager”.
- (8) In point ATM/ANS.OR.D.025 (reporting requirements)—
 - (a) in points (a), (b) and (d)(2) omit “and air traffic flow management” in each place where it occurs,
 - (b) in point (a) for “shall” substitute “ may, under any requirement pursuant to Chapter IV of Part 1 of the Transport Act 2000, be required to ”,
 - (c) omit points (c) and (d)(3),
 - (d) in point (d) for “reports” substitute “ report ” and omit “and (c)”,
 - (e) in point (d)(2) for “the annual plan” substitute “ any plan required pursuant to Chapter IV of Part 1 of the Transport Act 2000 ”,
 - (f) in point (4) for “the reference period referred to in Article 11 of Regulation (EC) No 549/2004” substitute “ any relevant reference period that may be established pursuant to Chapter IV of Part 1 of the Transport Act 2000 ”, and
 - (g) in point (e)—
 - (i) for “and air traffic flow management providers and the Network Manager” substitute “ providers ”,
 - (ii) for “Commission and the Agency” substitute “ competent authority ”,
 - (iii) for “their” substitute “ its ”, and
 - (iv) for “Union and national” substitute “ applicable ”.

Commencement Information

I12 Reg. 13 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Annex 4 to Commission Implementing Regulation (EU) 2017/373

14.—(1) Annex 4 (specific requirements for providers of air traffic services) is amended as follows.

(2) In point ATS.OR.100 (ownership), in point (a), for “authorities” substitute “ authority ”.

(3) In point ATS.OR.105 (open and transparent provision of service) omit “Union and national”.

(4) In point ATS.OR.305 (responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers), in point (b), for “Directive [95/46/EC](#) of the European Parliament and of the Council and to the applicable national” substitute “ Regulation (EU) 2016/679 and the applicable ”.

Commencement Information

I13 Reg. 14 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Annex 12 to Commission Implementing Regulation (EU) 2017/373

15. Omit Annex 12 (specific requirements for the Network Manager).

Commencement Information

I14 Reg. 15 in force at 31.12.2020 on IP completion day, see reg. 1(2)(4)

Changes to legislation:

There are currently no known outstanding effects for the The Air Traffic Management (Amendment etc.) (EU Exit) Regulations 2020, CHAPTER 1.