

**EXPLANATORY MEMORANDUM TO**  
**THE CIVIL AVIATION (ENVIRONMENTAL PROTECTION) (AMENDMENT)**  
**REGULATIONS 2024**

**2024 No. 413**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

**2. Declaration**

- 2.1 Anthony Browne MP, Parliamentary Under Secretary of State, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Holly Greig, Deputy Director for Aviation Decarbonisation, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 Oliver Steele at the Department for Transport (telephone: 07815453949 or email: oliver.steele@dft.gov.uk) can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

- 4.1 This instrument makes minor amendments to UK law to implement revisions to Standards and Recommended Practices (“SARPs”) adopted by the International Civil Aviation Organization (“ICAO”) for the environmental certification of aircraft and aircraft engines.

*Where does the legislation extend to, and apply?*

- 4.2 The extent of this instrument (that is, the jurisdiction(s) in which the instrument forms part of the law) is England, Wales, Scotland, and Northern Ireland.
- 4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, Scotland, and Northern Ireland. In addition, it applies to aircraft registered in the UK wherever they are.

**5. Policy Context**

*What is being done and why?*

- 5.1 Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation (“the Basic Regulation”) requires manufacturers to comply with the ICAO SARPs for environmental certification of aircraft for noise, aircraft engines for emissions of local air quality pollutants, and aeroplanes for carbon dioxide (CO<sub>2</sub>) emissions, which are contained, respectively, in Volumes I, II and III of Annex 16 to the Convention on International Civil Aviation (“the Chicago Convention”). The Basic Regulation previously referred to the versions

of these volumes that were adopted by ICAO in 2020. These have been superseded since ICAO adopted new amendments to all three volumes in 2023. This amendment to the Basic Regulation is therefore required to refer to these most recent versions. It will ensure that the SARPs are fully implemented in the UK.

- 5.2 The changes to the ICAO SARPs are minor and do not affect the substance of the existing standards against which manufacturers globally are required to certify their products. They encompass minor additions and improvements to technical guidelines and specific aspects of certification procedures, wording updates to improve clarity and consistency with other documents, and typographical corrections.

*What was the previous policy, how is this different?*

- 5.3 The Basic Regulation previously referred to amendments of the SARPs in Volumes I, II and III that were adopted by ICAO in 2020, directly preceding the most recent amendments. The changes made by ICAO in the most recent amendments are minor but are expected to improve comprehension and application of the certification standards. The amendments are already applicable and therefore this instrument is being brought into force at the earliest date.
- 5.4 As there is no change to the substance of the standards that manufacturers are required to certify their products against, there is no effective change to policy. Manufacturers certifying aircraft and engines in the UK, or certifying elsewhere but where their aircraft or aircraft using their engines will be registered in the UK, will continue to be required to comply with up-to-date versions of the ICAO SARPs.

## **6. Legislative and Legal Context**

*How has the law changed?*

- 6.1 The Basic Regulation, as amended by S.I. 2019/645, establishes a framework and essential requirements in respect of aviation safety and provides for the implementation of ICAO SARPs as set out in the Annexes to the Chicago Convention. The Basic Regulation contains a regulation making power whereby the Secretary of State can make amendments to the Basic Regulation itself in light of certain amendments to Annex 16 to the Chicago Convention.
- 6.2 This instrument is made in exercise of the regulation making power set out in Article 19(3) of the Basic Regulation, to amend Article 9(2) of the Basic Regulation relating to the compliance of aircraft and engines with the environmental protection requirements of Volumes I, II and III of Annex 16 to the Chicago Convention.

*Why was this approach taken to change the law?*

- 6.3 This is the only suitable legislative approach to make the necessary changes to ensure UK legislation refers to the most recent amendments to Volumes I, II and III of Annex 16 to the Chicago Convention, as adopted by ICAO, and thus ensure that the SARPs within them are fully implemented in the UK.

## **7. Consultation**

*Summary of consultation outcome and methodology*

- 7.1 The Department for Transport has not consulted on the amendment to the Basic Regulation. Those parts of the UK industry most impacted, specifically aircraft and engine manufacturers, were involved in the process of developing and agreeing the

updates to the SARPs within ICAO and are understood to be content with the amendments.

## **8. Applicable Guidance**

- 8.1 No guidance will be produced for this instrument. ICAO provides its own guidance for the application of the SARPs.

## **Part Two: Impact and the Better Regulation Framework**

## **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument because the impacts on UK businesses either are expected to be negligible or are positive impacts that only apply in comparison to a scenario in which no intervention is made. The costs and benefits have not been quantified as it would be difficult to predict the specific impacts of minor technical and editorial changes to the SARPs. Instead, light-touch internal analysis has been conducted, the findings of which are detailed below.

### *Impact on businesses, charities and voluntary bodies*

- 9.2 The impact on businesses, charities or voluntary bodies is negligible in terms of new costs or benefits arising from the changes to the SARPs. At the global level, the changes could bring a small cost to affected aircraft and engine manufacturers as they familiarise themselves, and small benefits from improved understanding and application of environmental certification standards. However, specifically in relation to implementation at the UK level these impacts are assessed to be negligible, given the global nature of the market for aircraft and engines and the expectation that the rest of the world will implement the changes. There is a benefit to aircraft and engine manufacturers, as well as aircraft operators, compared to a scenario in which the UK did not implement the latest SARPs, as lack of alignment with international standards would introduce administrative complexity when certifying aircraft and engines and when registering aircraft.
- 9.3 The legislation does impact small or micro businesses, but not significantly. Small businesses could be among those registering aircraft in the UK, so will benefit from the avoidance of the administrative complexity that would occur if UK legislation were not aligned with international standards. This benefit is minor, and other impacts are negligible. No specific action is proposed to minimise regulatory burden on small businesses. The basis for the final decision on what action to take to assist small businesses is that the instrument will not impose significant regulatory burdens on small businesses.
- 9.4 The impact on the public sector is negligible in terms of new costs or benefits arising from the changes to the SARPs, because they are minor and very specific. There is a benefit to the UK regulator, the Civil Aviation Authority, compared to a scenario in which the UK did not implement the latest versions of the SARPs, since continued alignment of legislation with international standards avoids administrative complexity when certifying aircraft and engines and when validating certification in the registration of individual aircraft.

## **10. Monitoring and review**

### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 No new provisions are required to monitor and review this legislation as specific impacts for the UK are expected to be negligible.
- 10.2 ICAO is responsible for maintaining the Annex 16 SARPs and the Department expects it to continue to regularly review them to ensure they remain relevant and effective, with States and industry consulted on proposals for any amendments. It is through this process that the UK Government, UK regulator, and industry would be able to report any impacts and propose amendments.
- 10.3 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Anthony Browne MP, Parliamentary Under Secretary of State, at the Department for Transport has made the following statement:
- “In my view, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the provisions of the Civil Aviation (Environmental Protection) (Amendment) Regulations 2024 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the very low level of impacts and the high costs of undertaking such a review, with limited scope for change.”

### **Part Three: Statements and Matters of Particular Interest to Parliament**

## **11. Matters of special interest to Parliament**

- 11.1 None.

## **12. European Convention on Human Rights**

- 12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **13. The Relevant European Union Acts**

This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).