

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 549 OF 2020.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

AVIATION SAFETY (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon him by section 11(1) and 15(1) of, and Schedule 3 to, the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations—

PART 1 Introduction

Title.

1. These Regulations may be cited as the Aviation Safety (Amendments etc.) (EU Exit) Regulations 2020.

Commencement.

2. These Regulations come into operation on IP completion day.

PART 2 Amendment of primary legislation

Amendment of the Civil Aviation Act 2009.

3.(1) The Civil Aviation Act 2009 is amended in accordance with this regulation.

(2) In section 11(2) after “international or” insert “retained”.

(3) In section 12—

(a) in subsection (1)(b) after “Air Navigation Regulations” insert “or retained EU legislation regarding civil aviation”;

(b) in subsection (2) —

(i) at the end of paragraph (d) for “,” substitute “;”;

(ii) after paragraph (d) insert —

- “(e) any retained EU legislation regarding civil aviation,”;
- (c) in subsection (4)(e) before “European” insert “retained”;
- (d) in subsection (6)(b) before “European” insert “retained”.
- (4) In section 15(2)(f) after “international or” insert “retained”.
- (5) In section 16(1)(a) after “international and” insert “retained”.
- (6) In section 17(2) after “international or” insert “retained”.
- (7) In section 19, in both places the words occur, after “international or” insert “retained”.
- (8) In section 35 –
 - (a) for subsection (1)(b) substitute–
 - “(b) a valid operating licence issued by the state of registration and duly authorised by the Director for use at the Civil Airport,”;
 - (b) omit subsection (2);
 - (c) in subsection (8)–
 - (i) in both places where the word occurs, omit “Member”;
 - (ii) omit the definition of “the European Union Regulation”.
- (9) Omit section 39(2).

PART 3

Amendment of subsidiary legislation

Amendment of the Civil Aviation (Air Navigation) Regulations 2009.

4.(1) The Civil Aviation (Air Navigation) Regulations 2009 are amended in accordance with this regulation.

- (2) In regulation 2–
 - (a) in subregulation (1) –
 - (i) in the definition of “Basic EASA Regulation”, omit “EASA”;
 - (ii) in the definition of “commercial air transport flight”, for “EU OPS” substitute “Annex III of the Technical Harmonization Regulation”;

- (iii) in the definition of “competent authority” omit “subject to regulation 114.”;
- (iv) omit the definition of “EASA”;
- (v) in the definition of “EASA aerodrome certificate” omit “EASA” in both places it occurs;
- (vi) in the definition of “EASA Aerodromes Regulation” omit “EASA”;
- (vii) for the definition of “EASA aircraft” substitute –
 - “ “Part-21 aircraft” means an aircraft which is required by virtue of the Basic Regulation and any implementing rules in accordance with that Regulation to hold a Part-21 certificate of airworthiness, a Part-21 restricted certificate of airworthiness or a Part-21 permit to fly”;
- (viii) in the definition of “EASA certificate of airworthiness” –
 - (aa) for “EASA certificate of airworthiness” substitute “Part-21 certificate of airworthiness”;
 - (bb) for “an EASA” substitute “a Part-21”;
- (ix) in the definition of “EASA certificated aerodrome” omit “EASA” in both places it occurs;
- (x) in the definition of “EASA Continuing Airworthiness Regulation” omit “EASA”;
- (xi) for the definition of “EASA permit to fly” substitute–
 - “ “Part-21 permit to fly” means a permit to fly issued in respect of a Part-21 aircraft under and in accordance with subpart P of Part 21;”;
- (xii) for the definition of “EASA restricted certificate of airworthiness” substitute–
 - “ “Part-21 restricted certificate of airworthiness” means a restricted certificate of airworthiness issued in respect of a Part-21 aircraft under and in accordance with subpart H of Part 21;”;
- (xiii) omit the definition of “EU OPS”;
- (xiv) omit the definition of “EU OPS aeroplane”;
- (xv) omit the definition of “EU OPS air operator certificate”;

- (xvi) omit the definition of “EU OPS operator”
 - (xvii) in the definition of “Part 145” omit “EASA”;
 - (xviii) in the definition of “Part M” omit “EASA”;
 - (xix) after the definition of “runway visual range” insert –
 - “ “Safety Regulation” means the Basic Regulation and any implementing rule made under that Regulation;”
 - (xx) after the definition of “air/ground communications service” insert –
 - “ “Air Operations Regulation” means Commission Regulation (EU) No 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended from time to time;”;
- (b) in subregulation (5)–
- (i) in paragraph (a) for “an EASA” substitute “a Part-21”;
 - (ii) in paragraph (b) for “EASA and non EASA” substitute “Part-21 and non-Part-21”.
- (3) In regulation 2A–
- (a) in subregulation 2(b)(ii) omit “granted by the CAA or an EU OPS air operator certificate”;
 - (b) in subregulation (3) for “EU OPS” substitute “the Air Operations Regulation”.
- (4) In regulation 4A–
- (a) omit subregulation (4);
 - (b) in subregulation (5) –
 - (i) omit “or”;
 - (ii) omit paragraph (b);
 - (c) omit subregulation (6).
- (5) In regulation 5–

- (a) in subregulation (3), in both places the words occur, for “an EASA” substitute “a Part-21”;
 - (b) in subregulation (4) for “an EASA permit to fly issued by the competent authority of a Member State” substitute “a Part-21 permit to fly”.
- (6) In regulation 6A –
- (a) in the heading for “EASA” substitute “Part-21”;
 - (b) for “An EASA” substitute “A Part-21”.
- (7) In regulation 7, omit subregulation (1A).
- (8) In regulation 8, omit subregulation (3).
- (9) In regulation 17(1) omit “other than an EU OPS aeroplane flying on a commercial air transport flight”.
- (10) In regulation 18 omit “except for the commander of an EU OPS aeroplane intending to commence a commercial air transport flight,”.
- (11) In regulation 19 omit “other than the commander of an EU OPS aeroplane intending to undertake a commercial air transport flight”.
- (12) In regulation 20–
- (a) in subregulation (2) omit “or by EU OPS”;
 - (b) in subregulation (4) omit “or by EU OPS”.
- (13) In regulation 30–
- (a) in subregulation (1) omit “other than an EU OPS aeroplane on a commercial air transport flight”;
 - (b) in subregulation (2) omit “other than an EU OPS aeroplane on a commercial air transport flight”.
- (14) In regulation 40(5)(b) omit “but does not include an EU OPS operator”.
- (15) In regulation 45 –
- (a) omit “, under EU OPS”;
 - (b) omit “EASA”.
- (16) In regulation 47–

- (a) in subregulation (1) after “to which this regulation” insert “or a Safety Regulation”;
- (b) in subregulation (3) after “to which this regulation” insert “or a Safety Regulation”;
- (c) in subregulation (4) after “to which this regulation” insert “or a Safety Regulation”.

(17) In regulation 48–

- (a) in subregulation (1)–
 - (i) in paragraph (a) omit “or by or under EU OPS”;
 - (ii) in paragraph (b) omit “or by or under EU OPS”;
- (b) in subregulation (2), in both places the words occur, omit “or by or under EU OPS”;
- (c) in subregulation (5)–
 - (i) omit “or by or under EU OPS”;
 - (ii) for “any applicable European Union legislation” substitute “an applicable Safety Regulation”.

(18) In regulation 72(1) for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controller Licensing Regulation”.

(19) In regulation 73 for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controller Licensing Regulation”.

(20) In regulation 74, in both places the words occur, for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controller Licensing Regulation”.

(21) In regulation 74A for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controller Licensing Regulation”.

(22) In regulation 77–

- (a) in the heading for “another Member State” substitute “the CAA”;
- (b) in subregulation (1)–
 - (i) for “a Member State in accordance with the EASA Air Traffic Controller Licensing Regulation” substitute “the CAA”;

- (ii) for “EASA Air Traffic Controller Regulation” substitute “Air Traffic Controller Licensing Regulation”.
- (23) In regulation 91–
 - (a) after subregulation (1) insert–

“(1A) Any operator that is listed on the United Kingdom Safety List, maintained and amended from time to time by the Secretary of State, pursuant to Regulation (EC) No 2111/2005, shall not be permitted to take on board or discharge any passengers or cargo in Gibraltar.”.
 - (b) after subregulation (3) insert –

“(4) For the purposes of this regulation, “Regulation 2111/2005” means Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a list of air carriers subject to an operating ban within Gibraltar and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EEC;”.
- (24) In regulation 98(1), in both places the words occur, omit “or of EU OPS”.
- (25) In regulation 103 for “the Basic” substitute “a Safety”.
- (26) In regulation 105 –
 - (a) in subregulation (1) for “EU OPS” substitute “a Safety Regulation”;
 - (b) in subregulation (2) for “EU OPS or SERA” substitute “SERA or a Safety Regulation”;
 - (c) in subregulation (4) for “EU OPS” substitute “a Safety Regulation”.
- (27) Omit regulation 114.
- (28) In Schedule 5–
 - (a) in Part ZA–
 - (i) omit Section 1;
 - (ii) in Section 2 omit “EASA”;
 - (b) in Part A –
 - (i) omit Section 2;

- (ii) in Section 3 –
 - (aa) omit “EASA” in the heading;
 - (bb) for “an EASA certificate” substitute “a certificate”;
- (c) in Part B omit Section 2;
- (d) in Part C, in Section 2, omit “EASA”.

PART 4
Amendment of principal EU Regulations

CHAPTER 1

Amendment of Regulation (EU) No 996/2010

Regulation (EU) No 996/2010 (accident investigation).

5. Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents in civil aviation and repealing Directive 94/65/EC is amended in accordance with the following regulations.

Amendment of Article 1 of Regulation (EU) No 996/2010.

6.(1) Article 1 (subject matter) is amended as follows.

- (2) In paragraph 1 –
 - (a) in the first place it occurs, for “European” substitute “Gibraltar”;
 - (b) omit the words from “, including through” to “Safety Investigation Authorities”.
- (3) Omit paragraph 2.

Amendment of Article 2 of Regulation (EU) No 996/2010.

7.(1) Article 2 (definitions) is amended as follows.

- (2) In paragraph 2, for “a Member State” substitute “the Minister”.
- (3) In paragraph 11, for “staff of the national civil aviation authority; or staff of EASA” substitute “or the Director’s staff”.
- (4) After paragraph 17 insert –

“(18) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(19) ‘the Minister’ means the Minister with responsibility for Civil Aviation;

(20) ‘third country’ means any country or territory other than Gibraltar.”.

Amendment of Article 3 of Regulation (EU) No 996/2010.

8.(1) Article 3 (scope) is amended as follows.

(2) In paragraph 1 –

(a) in point (a), for the words from “the territories” to the end substitute “Gibraltar”;

(b) in point (b) –

(i) in both places the words occur, for “a Member State” substitute “Gibraltar”;

(ii) for “the territories of the Member States to which the Treaties apply” substitute “Gibraltar”;

(c) in points (c) and (d), for “a Member State” substitute “Gibraltar”.

(3) In paragraph 3 –

(a) for “Member State concerned” substitute “Minister”;

(b) for “national legislation” substitute “any other relevant enactment”.

Amendment of Article 4 of Regulation (EU) No 996/2010.

9.(1) Article 4 (civil aviation safety investigation authority) is amended as follows.

(2) In paragraph 1, for “Each Member State” substitute “The Minister”.

(3) In paragraph 6 –

(a) for the words from the beginning to “Member State” substitute “The Minister must ensure that the safety investigation authority has”;

(b) in point (a), for “national” substitute “any other relevant”.

Amendment of Article 5 of Regulation (EU) No 996/2010.

10.(1) Article 5 (obligation to investigate) is amended as follows.

- (2) In paragraph 1 –
 - (a) after “Every accident or serious incident” insert “in Gibraltar”;
 - (b) omit the words from “in the Member State” to the end;
- (3) In paragraph 2 –
 - (a) for “a Member State” substitute “Gibraltar”;
 - (b) for “Member State of registration” substitute “Gibraltar”.
- (4) In paragraph 4 –
 - (a) at the start, for “Safety investigation authorities” substitute “The safety investigation authority”;
 - (b) for “the national legislation of the Member States, when they expect” substitute “any relevant enactment, when it expects”.

Amendment of Article 6 of Regulation (EU) No 996/2010.

11.(1) Article 6 (cooperation between safety investigation authorities) is amended as follows.

- (2) For paragraph 1 substitute –
 - “1. The safety investigation authority may request the assistance of safety investigation authorities from other states and may provide assistance to such authorities if requested.”.
- (3) At the start of paragraph 2, for “A” substitute “The”.

Amendment of Article 7 of Regulation (EU) No 996/2010.

12.(1) Omit Article 7 (European network of civil aviation safety investigation authorities).

Amendment of Article 8 of Regulation (EU) No 996/2010.

13.(1) Article 8 (participation of EASA and national civil aviation authorities in safety investigations) is amended as follows.

- (2) In the heading, for “EASA and national civil aviation authorities” substitute “the Director”.
- (3) In paragraph 1 –
 - (a) for the words from the start to “to participate:” substitute –

“1. The Director must, provided that the requirement of no conflict of interest is satisfied, appoint a representative to participate.”;

(b) in point (a), omit “, conducted in the territory of a Member State or”;

(c) in point (b), omit “of the Member States”.

(4) In paragraph 3, for “EASA and the national civil aviation authorities” substitute “The Director”.

Amendment of Article 9 of Regulation (EU) No 996/2010.

14. In Article 9 (obligation to notify accidents and serious incidents), in paragraph 2 –

(a) omit “the Commission, EASA,”;

(b) omit “, the Member States”.

Amendment of Article 10 of Regulation (EU) No 996/2010.

15.(1) Article 10 (participation of the Member States in safety investigations) is amended as follows.

(2) In the heading, for “Member States” substitute “safety investigation authority”.

(3) In paragraph 1, for the first sentence substitute –

“Upon receipt of the notification of the occurrence of an accident or serious incident from another country, to Gibraltar as the State of Registry, the State of Operator, the State of Design or the State of Manufacture, the safety investigation authority must, as soon as possible, inform the country concerned whether the safety investigation authority intends to appoint an accredited representative in accordance with International standards and recommended practices.”.

(4) Omit paragraph 2.

Amendment of Article 11 of Regulation (EU) No 996/2010.

16. In Article 11 (status of safety investigators), in paragraph 2 –

(a) for “the legal acts of the Union or national” substitute “any relevant”;

(b) in point (g) omit “EASA”.

Amendment of Article 12 of Regulation (EU) No 996/2010.

17. In Article 12 (coordination of investigations), in paragraph 3 –

- (a) in the first paragraph, for “Member States shall ensure that safety investigation authorities” substitute “The Minister must ensure that the safety investigation authority”;
- (b) omit the last paragraph.

Amendment of Article 13 of Regulation (EU) No 996/2010.

18. In Article 13 (preservation of evidence), in paragraph 1, for the words from the beginning to “occurred” substitute “Where the accident or serious incident occurred in Gibraltar, the safety investigation authority”.

Amendment of Article 14 of Regulation (EU) No 996/2010.

19.(1) Article 14 (protection of sensitive safety information) is amended as follows.

- (2) In paragraph 1, in point (e), omit “Member States or third”.
- (3) In paragraph 3 –
 - (a) in the first subparagraph, omit the second sentence;
 - (b) omit the second subparagraph.

Amendment of Article 15 of Regulation (EU) No 996/2010.

20.(1) Article 15 (communication of information) is amended as follows.

- (2) In paragraph 1, for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.
- (3) In paragraph 3 –
 - (a) in the first sentence for “EASA and national civil aviation authorities” substitute “the Director”;
 - (b) in the second sentence –
 - (i) for “EASA and the national civil aviation authorities” substitute “the Director”;
 - (ii) for the words from “applicable” to the end substitute “any other relevant enactment”.

Amendment of Article 16 of Regulation (EU) No 996/2010.

21.(1) Article 16 (investigation report) is amended as follows.

(2) In paragraph 3 –

- (a) omit “including EASA,”;
- (b) for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.

(3) In paragraph 4 –

- (a) omit “including EASA,”;
- (b) for “applicable rules of professional secrecy” substitute “obligations of confidentiality under any relevant law”.

(4) In paragraph 8 omit point (c).

Amendment of Article 17 of Regulation (EU) No 996/2010.

22.(1) Article 17 (safety recommendations) is amended as follows.

- (2) In paragraph 1, omit “Member States or third”.
- (3) In paragraph 2, at the start, for “A” substitute “The”.

Amendment of Article 18 of Regulation (EU) No 996/2010.

23.(1) Article 18 (follow-up to safety recommendations and safety recommendations database) is amended as follows.

- (2) In paragraph 3, for “Each” substitute “The”.
- (3) In paragraph 4, for the words from “, including” to “level,” substitute “and the Director”.
- (4) Omit paragraph 5.

Amendment of Article 20 of Regulation (EU) No 996/2010.

24.(1) Article 20 (information on persons and dangerous goods on board) is amended as follows.

- (2) In paragraph 1 –
 - (a) for “Union” substitute “Gibraltar”;
 - (b) for the words from “the territories” to “apply” substitute “Gibraltar”.

(3) In paragraph 2 –

- (a) omit “in charge”;
- (b) for “each Member State” substitute “the Minister”.

(4) In paragraph 4, omit “the legal acts of the Union and”.

Amendment of Article 21 of Regulation (EU) No 996/2010.

25.(1) Article 21 (assistance to the victims of air accidents and their relatives) is amended as follows.

(2) In paragraph 1 –

- (a) omit “and harmonised”;
- (b) for “at EU level, each Member State” substitute “the Minister”.

(3) In paragraph 2 –

- (a) in the first sentence –
 - (i) at the start, for “Member States” substitute “The Director”;
 - (ii) for “their territory” substitute “Gibraltar”;
- (b) in the third sentence –
 - (i) at the start, for “The Member States” substitute “The Director”.
 - (ii) for “their territory” substitute “Gibraltar”;

(c) in the fourth sentence –

- (i) at the start, for “Member States” substitute “The Minister”;
- (ii) for “third country airlines” substitute “airlines from other countries”;
- (iii) for “the Union” substitute “Gibraltar”.

(4) In paragraph 3, for the words from “Member State” in the first place it occurs, to “accident” in the third place it occurs, substitute “Minister”.

(5) In paragraph 4 –

- (a) omit “Member State or”;

- (b) for the words from “the territories” to “apply” substitute “Gibraltar”.

Amendment of Article 22 of Regulation (EU) No 996/2010.

26. In Article 22 (access to documents and protection of personal data) –

- (a) omit paragraph 1;
- (b) in paragraph 2, for the words from “Directive 95/46/EC” to the end substitute “data protection legislation within the meaning of section 2(1) of the Data Protection Act 2004”.

Amendment of Article 23 of Regulation (EU) No 996/2010.

27. Omit Article 23 (penalties).

Amendment of Article 24 of Regulation (EU) No 996/2010.

28. Omit Article 24 (amendment of the Regulation).

Further amendment of Regulation (EU) No 996/2010.

29. After Article 26 (entry into force), omit the sentence which begins “This regulation shall be binding”.

CHAPTER 2

Amendment of Regulation (EU) No 376/2014

Regulation (EU) No 376/2014 (occurrence reporting).

30. Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 is amended in accordance with the following regulations.

Amendment of Article 1 of Regulation (EU) No 376/2014.

31. In Article 1 (objectives), in paragraph 1, in point (c), omit “at both Union level and national level”.

Amendment of Article 2 of Regulation (EU) No 376/2014.

32.(1) Article 2 (definitions) is amended as follows.

- (2) Omit paragraphs 13 and 14.

(3) In paragraph 15, for “a Member State” substitute “Gibraltar”.

(4) Omit paragraphs 16 and 17.

(5) After paragraph 18 insert –

“(19) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(20) ‘the Minister’ means the Minister with responsibility for Civil Aviation.”.

Amendment of Article 3 of Regulation (EU) No 376/2014.

33.(1) Article 3 (subject matter and scope) is amended as follows.

(2) In paragraph 1, omit point (e).

(3) In paragraph 2, in the last paragraph, for “Member States” substitute “The Minister”.

Amendment of Article 4 of Regulation (EU) No 376/2014.

34.(1) Article 4 (mandatory reporting) is amended as follows.

(2) In paragraph 2, for “a Member State” substitute “Gibraltar”.

(3) In paragraph 3, for “Each Member State” substitute “The Director”.

(4) Omit paragraph 4.

(5) In paragraph 5 –

(a) in the first subparagraph –

(i) for “Commission” substitute “Minister”;

(ii) in both places the words occur, for “implementing acts” substitute “regulations”;

(b) in the second subparagraph –

(i) for “Commission” substitute “Minister”;

(ii) for “implementing acts” substitute “regulations”.

(6) In paragraph 6 –

- (a) in the introductory words, for the words from “Member State” to “Agency” substitute “Director”;
 - (b) in point (a), in both places the words occur –
 - (i) for “a Member State” substitute “Gibraltar”;
 - (ii) for “the Union” substitute “Gibraltar”;
 - (c) in points (b) and (c), for “a Member State or of the Agency” substitute “the Director”;
 - (d) in points (d) and (f), for “a Member State” substitute “the Director”
- (7) In paragraph 8 –
- (a) for “a Member State which is not covered by paragraph 9” substitute “Gibraltar”;
 - (b) for “competent authority of that Member State, as referred to in Article 6(3),” substitute “the Director”.
- (8) Omit paragraph 9.

Amendment of Article 5 of Regulation (EU) No 376/2014.

35.(1) Article 5 (voluntary reporting) is amended as follows.

- (2) In paragraph 1, for “a Member State” substitute “Gibraltar”.
- (3) In paragraph 2, for “Each Member State” substitute “The Director”.
- (4) Omit paragraphs 3 and 5.
- (5) In paragraph 6 –
 - (a) for the words from “a Member State” to “Agency” substitute “Gibraltar”;
 - (b) for the words from “competent authority” to “Article 6(3)” substitute “the Director”;
 - (c) for “Member States” substitute “The Director”;
 - (d) for “their territory” substitute “Gibraltar”.
- (6) In paragraph 7 –
 - (a) for “Member States, the Agency” substitute “The Director”;

(b) for “paragraphs 1, 2 and 3” substitute “paragraphs 1 and 2”;

(c) for “those set out in Article 6(3)” substitute “the Director”.

Amendment of Article 6 of Regulation (EU) No 376/2014.

36.(1) Article 6 (collection and storage of information) is amended as follows.

(2) In paragraph 1, for “a Member State” substitute “Gibraltar”.

(3) In paragraph 2, for “competent authority” substitute “Director”.

(4) In paragraph 3 –

(a) in the first subparagraph, for the words from “Each Member State” to “competent authorities to” substitute “The Director must”;

(b) omit the third and fourth subparagraphs.

(5) Omit paragraph 4.

(6) In paragraph 6, for “competent authorities referred to in paragraph 3” substitute “the Director”.

(7) Omit paragraph 8.

(8) In paragraph 9 –

(a) for “Safety investigation authorities” substitute “The safety investigation authority”;

(b) for “their respective” substitute “the”;

(c) after “discharging” for “their” substitute “its”.

(9) For paragraph 10 substitute –

“10. The Director is to have full access to the national database referred to in paragraph 6 for the purposes of its safety-related responsibilities.”.

Amendment of Article 7 of Regulation (EU) No 376/2014.

37.(1) Article 7 (quality and content of occurrence reports) is amended as follows.

(2) In paragraph 3, for “Organisations, Member States and the Agency” substitute “Organisations and the Director”.

(3) In paragraph 4, for “paragraphs 5, 6 and 8” substitute “paragraphs 5 and 6”.

(4) For paragraph 5 substitute –

“5. The Director must develop a risk classification scheme to enable organisations and the Director to classify occurrences in terms of safety risk. In so doing, the Director must take into account the need for compatibility with existing risk classifications schemes.”.

(5) Omit paragraphs 6, 7 and 8.

Amendment of Articles 8 to 12 of Regulation (EU) No 376/2014.

38. Omit the following –

- (a) Article 8 (European Central Repository);
- (b) Article 9 (exchange of Information);
- (c) Article 10 (dissemination of information stored in the European Central Repository);
- (d) Article 11 (processing of requests and decisions);
- (e) Article 12 (record of requests and exchange of information).

Amendment of Article 13 of Regulation (EU) No 376/2014.

39.(1) Article 13 (occurrence analysis and follow-up at national level) is amended as follows.

(2) In the heading, omit “at national level”.

(3) In paragraphs 1, 2 and 3, in each place it occurs, for “a Member State” substitute “Gibraltar”.

(4) In paragraph 4 –

- (a) in the first sentence –
 - (i) for the words from “a Member State” to “paragraph 5” substitute “Gibraltar”;
 - (ii) for “the competent authority of that Member State” substitute “the Director”;
- (b) in the last paragraph, for “A competent authority of a Member State” substitute “The Director”.

- (5) Omit paragraph 5.
- (6) In paragraph 6 –
 - (a) for “Each Member State and the Agency” substitute “The Director”;
 - (b) for “Articles 4(6), 5(2) and 5(3)” substitute “Articles 4(6) and 5(2)”.
- (7) In paragraph 7, for “a Member State or the Agency” substitute “the Director”.
- (8) In paragraph 8 –
 - (a) for “each Member State and the Agency” substitute “the Director”;
 - (b) for “a Member State and the Agency” substitute “the Director”;
- (9) Omit paragraph 9.
- (10) In paragraph 10, for “Member States” substitute “The Minister and the Director”.
- (11) In paragraph 11, for “each Member State” substitute “the Director”.
- (12) In paragraph 12, for “Member States” substitute “The Director”.

Amendment of Article 14 of Regulation (EU) No 376/2014.

40. Omit Article 14 (occurrence analysis and follow up at Union level).

Amendment of Article 15 of Regulation (EU) No 376/2014.

41.(1) Article 15 (confidentiality and appropriate use of information) is amended as follows.

- (2) In paragraph 1 –
 - (a) in the first subparagraph –
 - (i) at the start, for “Member States” substitute “The Director”;
 - (ii) omit “their”;
 - (iii) omit “and the Agency”;
 - (iv) for “Articles 4, 5 and 10” substitute “Article 4 and 5”;
 - (b) in the second subparagraph –
 - (i) at the start, for “Each Member State,” substitute “The Director and”;

- (ii) for “a Member State, or the Agency” substitute “Gibraltar”;
 - (iii) for the words from “national legal acts” to the end substitute “data protection legislation within the meaning of section 2(1) of the Data Protection Act 2004”.
- (3) In paragraph 2, in the second paragraph, for “Member States, the Agency” substitute “The Director”.
- (4) Omit paragraph 3.
- (5) In paragraph 4 –
- (a) for the words from the start to “Article 6(3) and their” substitute “The Director and”;
 - (b) after “administration of justice” insert “must”.

Amendment of Article 16 of Regulation (EU) No 376/2014.

42.(1) Article 16 (protection of the information source) is amended as follows.

- (2) In paragraph 2, for “a Member State” substitute “Gibraltar”.
- (3) In paragraph 3, for “Each Member State” substitute “the Director”.
- (4) Omit paragraph 4.
- (5) In paragraph 5, at the start, for “Member States and the Agency” substitute “The Director”.
- (6) In paragraph 6 –
 - (a) in the first subparagraph –
 - (i) for “Member States” substitute “the Director”;
 - (ii) for “their attention” substitute “its attention”;
 - (b) in the second subparagraph –
 - (i) in the first place it occurs, for “Member States” substitute “The Minister”.
 - (ii) in the second place it occurs, for “Member States” substitute “The Minister and the Director”.
- (7) In paragraph 7 –

- (a) in the first subparagraph omit “under national law”;
 - (b) in the last subparagraph, in both place it occurs, for “Member States” substitute “The Minister”.
- (8) In paragraph 8, for “Member States” substitute “The Minister”.
- (9) In paragraph 11 –
- (a) in the first subparagraph, for “a Member State” substitute “Gibraltar”;
 - (b) in the second subparagraph –
 - (i) for “body designated pursuant to paragraph 12” substitute “Director”;
 - (ii) for “its Member State” substitute “Gibraltar”.
- (10) In paragraph 12 –
- (a) in the first subparagraph, at the start, for “Each Member State shall designate a body” substitute “The Director is”;
 - (b) in the second subparagraph –
 - (i) for “that body” substitute “the Director”;
 - (ii) omit the last sentence;
 - (c) omit the third subparagraph.
- (11) Omit paragraph 13.

Amendment of Article 17 of Regulation (EU) No 376/2014.

43.(1) Article 17 (updating of the annexes) is amended as follows.

- (2) In the heading, for “annexes” substitute “annex”.
- (3) In the first paragraph –
 - (a) for the words from the start to “Article 18” substitute “The Minister may make regulations”;
 - (b) omit point (b);
 - (c) in point (c) –
 - (i) for “any of the Annexes” substitute “Annex I”;

(ii) for “Union” substitute “Minister”.

(4) In the last paragraph –

(a) for the words from “Agency” to “Article 14(2)” substitute “Director”;

(b) for “Commission” substitute “Minister”.

Amendment of Article 18 of Regulation (EU) No 376/2014.

44. Omit Article 18 (exercise of the delegation).

Amendment of Article 19 of Regulation (EU) No 376/2014.

45. For Article 19 substitute –

“Regulations

1. The Minister may make regulations under this Regulation.

2. Regulations made under this regulation may –

(a) make different provision for different purposes or areas;

(b) include supplementary, incidental or consequential provision;

(c) make transitional, transitory or saving provision.”.

Amendment of Article 20 of Regulation (EU) No 376/2014.

46. In Article 20 (access to documents and protection of personal data) –

(a) omit paragraph 1;

(b) in paragraph 2, for the words from “national legal acts” to the end substitute “data protection legislation within the meaning of section 2(1) of the Data Protection Act 2004”.

Amendment of Article 21 of Regulation (EU) No 376/2014.

47. Omit Article 21 (penalties).

Amendment of Article 24 of Regulation (EU) No 376/2014.

48.(1) Article 24 (entry into force and application) is amended as follows.

(2) Omit paragraph 2.

(3) In paragraph 3, omit the second sentence.

Further Amendment of Regulation (EU) No 376/2014.

49. After Article 24 (entry into force and application), omit the sentence which begins “This Regulation shall be binding”.

Amendment of Annex 1 to Regulation (EU) No 376/2014.

50.(1) Annex I (list of requirements applicable to the mandatory and voluntary occurrence reporting schemes) is amended as follows.

(2) In the paragraph commencing “Note:”, for the words from “competent authorities” to “Agency” substitute “Director”.

(3) In paragraph 1 –

(a) in the first sentence, for “, Member States and the Agency” substitute “and the Director”;

(b) in point (6) –

(i) omit the first indent;

(ii) in the second indent, after “Narrative” insert “(in English)”.

(4) In paragraph 2, in each place the words occur, for “, Member States and the Agency” substitute “and the Director”.

Amendment of Annex 2 to Regulation (EU) No 376/2014.

51. Omit Annex 2 (interested parties).

Amendment of Annex 3 to Regulation (EU) No 376/2014.

52. Omit Annex 3 (request for information from the European Central Repository).

CHAPTER 3

Amendment of Regulation (EU) No 2018/1139

Regulation (EU) No 2018/1139 (civil aviation safety).

53. Regulation (EU) No 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and

2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 is amended in accordance with the following regulations.

SECTION 1

Principles – Chapter 1 of Regulation (EU) No 2018/1139

Amendment of Article 1 of Regulation (EU) No 2018/1139.

54.(1) Article 1 (subject matter and objectives) is amended as follows.

(2) In paragraph 1 –

- (a) omit “uniform”;
- (b) for “the Union” substitute “Gibraltar”;

(3) In paragraph 2 –

- (a) in point (a), for “Union” substitute “Gibraltar”;
- (b) for point (b) substitute –

“(b)provide a level playing field for all actors in the Gibraltar aviation market,
and improve the competitiveness of Gibraltar’s aviation industry”;

- (c) in point (c), omit “uniform”;
- (d) in point (e), omit “Union and”;
- (e) in point (f), omit “uniform”;
- (f) in point (g) –
 - (i) for “Member States” substitute “Gibraltar”;
 - (ii) for “exercising their rights and fulfilling their obligations” substitute “exercising its rights and fulfilling its obligations”;
 - (iii) omit the words from “, by ensuring” to the end;
- (g) omit point (h).

(4) In paragraph 3 –

- (a) in point (a) –

- (i) for “adoption” substitute “making”;
 - (ii) omit “uniform”;
 - (iii) for “acts” substitute “regulations”;
- (b) omit point (c);
- (c) in point (d), for “delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”;
- (d) omit point (e);
- (e) in point (f) –
- (i) omit “uniform”;
 - (ii) for “the national competent authorities and the Agency” substitute “the Minister and the Director”.

Amendment of Article 2 of Regulation (EU) No 2018/1139.

55.(1) Article 2 (scope) is amended as follows.

(2) In paragraph 1–

- (a) omit point (a);
- (b) for point (b) substitute –
 - “the operation of an unmanned aircraft, that is registered neither in Gibraltar nor in a third country and that is operated within Gibraltar by an aircraft operator established, residing or with a principal place of business within Gibraltar”;
- (c) in point (c) for “the territory to which the Treaties apply” substitute “Gibraltar”;
- (d) for point (d) substitute –
 - “(d) the provision of groundhandling services at the aerodromes referred to in point (e);”;
- (e) in point (e) “the territory to which the Treaties apply” substitute “Gibraltar”;
- (f) in point (f), omit “Union and”;

- (g) in point (g), for “the Single European Sky airspace, and the design, production,” substitute “Gibraltar airspace, and the”;
 - (h) for point (h), substitute “the design of airspace structures”.
- (3) In paragraph 3 –
- (a) in point (a), for “a Member State” substitute “Gibraltar”;
 - (b) omit the paragraph below point (d).
 - (c) omit the subparagraph commencing “Without prejudice”.
- (4) Omit paragraph 4.
- (5) In paragraph 5, for the words from “and Article 7(5)” to “Member States” substitute “the Minister”.
- (6) In paragraph 6 –
- (a) in the first subparagraph –
 - (i) for “A Member State” substitute “The Minister”;
 - (ii) for “where it considers” substitute “where the Minister considers”;
 - (b) in the third subparagraph –
 - (i) for “Member State concerned” substitute “Minister”;
 - (ii) for “the Commission and the Agency” substitute “the Director”;
 - (iii) for “its decision” substitute “a decision”;
 - (iv) for “provide them” substitute “provide the Director”;
 - (v) in point (c), for “its decision” substitute “the decision”;
 - (c) omit the fourth subparagraph;
 - (d) in the fifth subparagraph –
 - (i) for the words from the start to “Member State” substitute “The Minister”;
 - (ii) omit the words from “In such cases” to the end;
 - (e) omit the sixth and seventh subparagraphs.

(7) Omit paragraphs 7 to 11.

Amendment of Article 3 of Regulation (EU) No 2018/1139.

56.(1) Article 3 (definitions) is amended as follows.

(2) In point (1) (“oversight”)—

(a) for ““competent authority”” substitute ““Director””;

(b) for the words from “the delegated” to “basis thereof” substitute “regulations made under it”.

(3) Omit point (8) (‘ATM Master Plan’).

(4) In point (9) (‘certification’), for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”.

(5) In point (10) (‘declaration’), for “the delegated and implementing acts adopted on the basis thereof” substitute “regulations made under it”.

(6) In point (11) (‘qualified entity’), for “Agency or a national competent authority” substitute “Director”.

(7) In point (25) (‘safety performance’), for “the Union’s, a Member State’s” substitute “Gibraltar’s”.

(8) Omit point (33) (‘Single European Sky airspace’) and point (34) (‘national competent authority’).

(9) After point (34) (‘national competent authority’) insert—

“(35) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(36) ‘the Minister’ means the Minister with responsibility for Civil Aviation;

(37) ‘third country’ means any country or territory other than Gibraltar, except that the United Kingdom, the British overseas territories, the Channel Islands and the Isle of Man, are not within the meaning of third country for the purposes of Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.”.

Amendment of Article 4 of Regulation (EU) No 2018/1139.

57.(1) Article 4 (principles for measures under this Regulation) is amended as follows.

(2) In paragraph 1—

- (a) for “the Commission, the Agency and the Member States” substitute “the Minister and the Director”;
- (b) omit point (f);
- (c) in point (h), for “of the Union and of the Member States” substitute “that apply to Gibraltar”.

(3) In paragraph 2, for “the Commission, the Agency and the Member States,” substitute “the Minister and the Director”.

SECTION 2

Aviation safety management – Chapter 2 of Regulation (EU) No 2018/1139

Amendment of Article 5 of Regulation (EU) No 2018/1139.

58. Omit Article 5 (European aviation safety programme).

Amendment of Article 6 of Regulation (EU) No 2018/1139.

59. Omit Article 6 (European plan for aviation safety).

Amendment of Article 7 of Regulation (EU) No 2018/1139.

60.(1) Article 7 (state safety programme) is amended as follows.

(2) In paragraph 1—

- (a) for the words from the start to “relevant stakeholders” substitute “The Minister must, in consultation with the Director and other relevant stakeholders”;
- (b) for “its responsibility” substitute “the responsibility of the Minister”;
- (c) omit the words from “and shall be consistent” to the end.

(3) In paragraph 3—

- (a) omit “and the level of safety performance referred to in Article 6(3)”;
- (b) for “Member State concerned” substitute “Minister”.

Amendment of Article 8 of Regulation (EU) No 2018/1139.

61.(1) Article 8 (state plan for aviation safety) is amended as follows.

(2) In paragraph 1—

- (a) for the words from “each Member State” to “stakeholders” substitute “the Minister, in consultation with the Director and other relevant stakeholders”;
- (b) after the word “affecting”, for “its” substitute “the”.

(3) Omit paragraph 2.

Amendment of Article 9 of Regulation (EU) No 2018/1139.

62. Omit Article 9 (essential requirements).

SECTION 3

Substantive requirements – Chapter 3 of Regulation (EU) No 2018/1139

SUB-SECTION 1

Airworthiness and environmental protection

Amendment of Articles 10 to 19 of Regulation (EU) No 2018/1139.

63. Omit Articles 10 to 19.

SUB-SECTION 2

Aircrew

Amendment of Articles 20 to 28 of Regulation (EU) No 2018/1139.

64. Omit Articles 20 to 28.

SUB-SECTION 3

Air Operations

Amendment of Articles 29 to 32 of Regulation (EU) No 2018/1139.

65. Omit Articles 29 to 32.

SUB-SECTION 4

Aerodromes

Amendment of Article 34 of Regulation (EU) No 2018/1139.

66. In Article 34 (aerodrome certification), in each place the words occur, for “implementing acts” substitute “regulations”.

Amendment of Article 35 of Regulation (EU) No 2018/1139.

67.(1) Article 35 (safety related aerodrome equipment) is amended as follows.

(2) In paragraph 1—

- (a) for “the implementing acts referred to in” substitute “regulations made under”;
- (b) in point (a), for “implementing acts referred to in” substitute “regulations made under”.

(3) In paragraph 2, for “implementing acts referred to in” substitute “regulations made under”.

(4) In paragraphs 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 36 of Regulation (EU) No 2018/1139.

68.(1) Article 36 (implementing acts as regards aerodromes and safety-related aerodrome equipment) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

- (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) “Commission” substitute “Minister”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (iv) omit point (h);
- (b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission”, substitute “When making regulations under subparagraph 1, the Minister”.

Amendment of Article 37 of Regulation (EU) No 2018/1139.

69. In Article 37 (organisations), for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 38 of Regulation (EU) No 2018/1139.

70.(1) Article 38 (protection of aerodrome surroundings) is amended as follows.

(2) In paragraph 1—

- (a) for “Member States” substitute “The Minister and the Director”;
- (b) for “their territory” substitute “Gibraltar”.

(3) In paragraph 2, for the words from “the competent authorities” to the end, substitute “the Director”.

(4) In paragraph 3—

- (a) for “Commission shall” substitute “Minister may”;
- (b) for “adopt implementing acts” substitute “make regulations”;
- (c) omit the last sentence.

Amendment of Article 39 of Regulation (EU) No 2018/1139.

71.(1) Article 39 (delegated powers) is amended as follows.

(2) In paragraph 1, for the words from “Commission” to “Article 128” substitute “Minister may make regulations”.

(3) In paragraph 2, for the words from “Commission” to “Article 128,” substitute “Minister may make regulations”.

SUB-SECTION 5

Air Traffic Management / Air Navigation Services

Amendment of Article 40 of Regulation (EU) No 2018/1139.

72. In Article 40 (essential requirements), in paragraph 2, for “the Single European Sky” substitute “Gibraltar”.

Amendment of Article 41 of Regulation (EU) No 2018/1139.

73.(1) Article 41 (ATM/ANS providers) is amended as follows.

(2) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

(3) In paragraph 5—

(a) for “the implementing acts referred to in” substitute “regulations made under”;

(b) for “Member States” substitute “the Director”;

(c) omit the last sentence.

(4) In paragraph 6—

(a) in the first subparagraph—

(i) in the first place it occurs, for “Member States” substitute “the Director”;

(ii) in point (a), for “Member States are” substitute “Gibraltar is”;

(iii) in point (b), for “the Member State granting the exemption” substitute “Gibraltar”;

(iv) in point (d), for “Member State concerned” substitute “Director”;

(b) omit the second, third and fourth subparagraphs.

Amendment of Article 42 of Regulation (EU) No 2018/1139.

74.(1) Article 42 (organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

(2) In paragraph 1—

(a) for “the implementing acts referred to in” substitute “regulations made under”;

(b) in point (a), for “implementing acts” substitute “regulations”.

(3) In paragraphs 2, 3 and 4, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 43 of Regulation (EU) No 2018/1139.

75.(1) Article 43 (implementing acts as regards ATM/ANS providers and organisations involved in the design, production or maintenance of ATM/ANS systems and ATM/ANS constituents) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1—

(a) in the first subparagraph—

- (i) omit “the uniform implementation of and”;
- (ii) for “Commission” substitute “Minister”;
- (iii) for “adopt implementing acts” substitute “make regulations”;

(b) omit the second subparagraph.

(4) Omit paragraph 2.

(5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Minister”.

Amendment of Article 44 of Regulation (EU) No 2018/1139.

76.(1) Article 44 (implementing acts as regards the use of airspace and the design of airspace structures) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1 –

(a) in the first subparagraph –

- (i) omit “the uniform implementation of and”;
- (ii) for “Commission” substitute “Minister”;
- (iii) for “adopt implementing acts” substitute “make regulations”;

(b) omit the second subparagraph.

(4) Omit paragraph 2.

(5) In paragraph 3, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Minister”.

Amendment of Article 45 of Regulation (EU) No 2018/1139.

77. In Article 45 (ATM/ANS systems and constituents), in each place the words occur, for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 46 of Regulation (EU) No 2018/1139.

78. Article 46 (design of airspace structures) is amended as follows –

- (a) for “Member States” substitute “The Director”;
- (b) for “the detailed rules adopted by the Commission pursuant to” substitute “regulations made by the Minister under”.

Amendment of Article 47 of Regulation (EU) No 2018/1139.

79. In Article 47 (delegated powers), in paragraphs 1 and 2, for the words from “Commission” to “Article 128,” substitute “the Minister may make regulations”.

SUB-SECTION 6

Air traffic Controllers

Amendment of Article 49 of Regulation (EU) No 2018/1139.

80. In Article 49 (air traffic controllers), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 50 of Regulation (EU) No 2018/1139.

81.(1) Article 50 (implementing acts as regards air traffic controllers) is amended as follows.

- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In paragraph 1 –
 - (a) in the first subparagraph –
 - (i) omit “the uniform implementation of and”;
 - (ii) for “Commission” substitute “Minister”;
 - (iii) for “adopt implementing acts” substitute “make regulations”;
 - (b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Minister”.

Amendment of Article 51 of Regulation (EU) No 2018/1139.

82. In Article 51 (air traffic controller training organisations and aero-medical centres), in each place the words occur, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 52 of Regulation (EU) No 2018/1139.

83. In Article 52 (instructors, assessors and aero-medical examiners), in each place it occurs, for “the implementing acts referred to in” substitute “regulations made under”.

Amendment of Article 53 of Regulation (EU) No 2018/1139.

84.(1) Article 53 (implementing acts as regards training, testing, checking and medical assessment) is amended as follows.

(2) In the heading, for “Implementing acts” substitute “Regulations”.

(3) In paragraph 1 –

(a) in the first subparagraph –

(i) omit “the uniform implementation of and”;

(ii) for “Commission” substitute “Minister”;

(iii) for “adopt implementing acts” substitute “makes regulations”;

(b) omit the second subparagraph.

(4) In paragraph 2, for the words from the start to “Commission” substitute “When making regulations under paragraph 1, the Minister”.

Amendment of Article 54 of Regulation (EU) No 2018/1139.

85. In Article 54 (delegated powers), for the words from “the Commission” to “Article 128,” substitute “the Minister may make regulations”.

Amendment of Article 55 of Regulation (EU) No 2018/1139.

86. In Article 55 (essential requirements for unmanned aircraft) –

(a) omit “design, production, maintenance and”;

(b) omit “(a) and”;

(c) for the words “, where the delegated acts” until the end substitute “any regulations made under Articles 57 or 58”.

Amendment of Article 56 of Regulation (EU) No 2018/1139.

87.(1) Article 56 (compliance of unmanned aircraft) is amended as follows.

(2) In paragraph 1—

- (a) omit “design, production, maintenance and”;
- (b) for “the delegated acts referred to in” substitute “regulations made under”;
- (c) for “the implementing acts referred to in” substitute “regulations made under”.

(3) In paragraph 2—

- (a) for “the delegated acts referred to in” substitute “regulations made under”;
- (b) for “the implementing acts referred to in” substitute “regulations made under”.

(4) In paragraph 3—

- (a) for “the delegated acts referred to in” substitute “regulations made under”;
- (b) for “the implementing acts referred to in” substitute “regulations made under”.

(5) In paragraph 4—

- (a) for “the delegated acts referred to in” substitute “regulations made under”;
- (b) for “the implementing acts referred to in” substitute “regulations made under”.

(6) In paragraph 5—

- (a) for “the delegated acts referred to in” substitute “regulations made under”;
- (b) for “the implementing acts referred to in” substitute “regulations made under”;
- (c) omit “design, production, maintenance and”;
- (d) for “delegated and implementing acts” substitute “regulations”.

(7) Omit paragraph 6.

(8) In paragraph 7—

- (a) in the first sentence—
 - (i) for “Member States” substitute “The Director”;

- (ii) for “the implementing acts referred to in” substitute “regulations made under”;
 - (iii) for the words from “digital” to “systems” substitute “a digital national registration system”;
- (b) omit the second sentence.
- (9) In paragraph 8—
- (a) for “Member States” substitute “the Minister”;
 - (b) for “national rules” substitute “regulations”;
 - (c) omit “in accordance with the Union law”.

Amendment of Article 57 of Regulation (EU) No 2018/1139.

88.(1) Article 57 (implementing acts as regards unmanned aircraft) is amended as follows.

- (2) In the heading, for “Implementing acts” substitute “Regulations”.
- (3) In the first subparagraph –
 - (a) omit “the uniform implementation of and”;
 - (b) for “points (a) and (b)” substitute “point (b)”;
 - (c) for “the Commission shall, adopt implementing acts” substitute “the Minister may make regulations”;
 - (d) in point (e), for “digital, interoperable, harmonized, national registration systems” substitute “a digital national registration system”.
- (4) Omit the second subparagraph.

Amendment of Article 58 of Regulation (EU) No 2018/1139.

89.(1) Article 58 (delegated powers) is amended as follows.

- (2) Omit paragraph 1.
- (3) In paragraph 2 –
 - (a) for “design, production, maintenance and operation of aircraft referred to in points (a) and (b)” substitute “operation of aircraft referred to in point (b)”;

- (b) for the words from “the Commission” to “Article 128,” substitute “the Minister may make regulations”.

SUB-SECTION 8

Aircraft used by a third country operator

Amendment of heading for Section 8 of Regulation (EU) No 2018/1139.

90. In the heading for Section 8 (aircraft used by a third-country operator into, within or out of the Union), for “the Union” substitute “Gibraltar”.

Amendment of Article 59 of Regulation (EU) No 2018/1139.

91. In Article 59 (applicable rules), in point (b), for “the delegated acts referred to in” substitute “regulations made under”.

Amendment of Article 60 of Regulation (EU) No 2018/1139.

92.(1) Article 60 (compliance) is amended as follows.

(2) In paragraph 2, in both places the words occur, for “the delegated acts referred to in” substitute “regulations made under”.

(3) In paragraph 3, for “the territory to which the Treaties apply” substitute “Gibraltar”.

Amendment of Article 61 of Regulation (EU) No 2018/1139.

93.(1) Article 61 (delegated powers) is amended as follows.

(2) In paragraph 1—

- (a) for the words from “Commission” to “Article 128,” substitute “Minister may make regulations”;
- (b) in point (a), for “the territory to which the Treaties apply” substitute “Gibraltar”;
- (c) in point (d), omit “and to the implementing acts adopted on the basis thereof”.

(3) In paragraph 2—

- (a) for “adopting the rules referred to in” substitute “making regulations under”;
- (b) for “Commission” substitute “Minister”;
- (c) omit point (b);
- (d) in point (c)—

- (i) for “Commission” substitute “Minister”;
- (ii) in point (ii) –
 - (aa) for “the delegated acts referred to in” substitute “regulations made under”;
 - (bb) for “the implementing acts referred to in” substitute “regulations made under”.

SECTION 4

Certification, oversight and enforcement system – Chapter 4 of Regulations (EU) No 2018/1139

Amendment of Article 62 of Regulation (EU) No 2018/1139.

94.(1) Article 62 (certification, oversight and enforcement) is amended as follows.

(2) In paragraph 1—

- (a) for the words from the start to “system” substitute “The Minister and the Director must cooperate”;
- (b) for the words from “the delegated” to the end substitute “regulations made under it”.

(3) In paragraph 2—

- (a) for the words from “the delegated”, the first time they occur, to “authorities” substitute “regulations made under it, the Director”;
- (b) in point (a), in both places the word occurs, for “them” substitute “him”;
- (c) in point (c), for the words from “the delegated” to the end substitute “regulations made under it”;
- (d) in point (d), for “them” substitute “him”;
- (e) in point (f), for “their” substitute “his”.

(4) Omit paragraph 3.

(5) In paragraph 4—

- (a) omit the first six subparagraphs;

- (b) in the seventh subparagraph, for the words from the start to “referred to in” substitute “Where regulations made under”.
- (c) omit point (b).
- (6) Omit paragraph 5.
- (7) In paragraph 6, for “Agency and national competent authorities” substitute “Director”.
- (8) Omit paragraph 7.
- (9) In paragraph 8—
 - (a) for “Agency” substitute “Director”;
 - (b) omit “, exchange”.
- (10) Omit paragraphs 9, 10 and 11.
- (11) In paragraph 12, for “Agency and the national competent authorities” substitute “Director”.
- (12) Omit paragraph 13.
- (13) In paragraph 14 –
 - (a) in the first subparagraph –
 - (i) omit “the uniform implementation of and”;
 - (ii) for “paragraphs 2 to 9” substitute “paragraphs 2, 4, 6 and 8”;
 - (iii) for “national competent authorities” substitute “the Director”;
 - (iv) for “Commission” substitute “Minister”;
 - (v) for “adopt implementing acts” substitute “make regulations”;
 - (vi) in point (a), for “national competent authority” substitute “Director”;
 - (vii) in point (b) –
 - (aa) for “national competent authority” substitute “Director”;
 - (bb) for the words from “the delegated” to the end substitute “regulations made under it”;
 - (viii) omit points (c) and (d);

- (ix) in point (e), for “national competent authority” substitute “Director”;
 - (b) omit the second subparagraph.
- (14) In paragraph 15 –
- (a) in the first subparagraph—
 - (i) omit “the uniform implementation of and”;
 - (ii) for “paragraphs (2) to (9)” substitute “paragraphs 2, 4, 6 and 8”;
 - (iii) for “Agency and national competent authorities” substitute “Director”;
 - (iv) for “Commission” substitute “Minister”;
 - (v) for “adopt implementing acts” substitute “make regulations”;
 - (vi) omit point (a);
 - (vii) in point (b), for “the Agency and national competent authorities” substitute “Director”;
 - (viii) in point (c), for “Agency and national competent authorities” substitute “Director”;
 - (ix) omit point (e);
 - (b) omit the second subparagraph.

Amendment of Articles 63 to 67 of Regulation (EU) No 2018/1139.

95. Omit the following—

- (a) Article 63 (pool of European aviation inspectors);
- (b) Article 64 (reallocation of responsibility upon request of Member States);
- (c) Article 65 (reallocation of responsibility upon request of organisations operating in more than one Member State);
- (d) Article 66 (oversight support mechanism);
- (e) Article 67 (validity and recognition of certificates and declarations).

Amendment of Article 68 of Regulation (EU) No 2018/1139.

96.(1) Article 68 (acceptance of third country certification) is amended as follows.

(2) In paragraph 1—

- (a) for the words from the start to “authorities” substitute “The Director”;
- (b) for the words from “the delegated” to “thereof” substitute “regulations made under it”;
- (c) in point (a)—
 - (i) for “the Union” substitute “Gibraltar”;
 - (ii) at the end insert “or”;
- (d) in point (b) –
 - (i) for the words from the start to “basis of” substitute “regulations made under”;
 - (ii) at the end omit “or”;
- (e) omit point (c).

(3) In paragraph 2, in both places the word occurs, for “Agency” substitute “Director”.

(4) In paragraph 3, for the words from the start to “Article 128” substitute “The Minister may make regulations”.

Amendment of Article 69 of Regulation (EU) No 2018/1139.

97.(1) Article 69 (qualified entities) is amended as follows.

(2) In paragraph 1 –

- (a) in the first subparagraph –
 - (i) for the words from the start to “tasks” substitute “The Director may allocate its tasks”;
 - (ii) for the words from “the delegated acts” to “the implementing acts referred to in” substitute “regulations made under”;
- (b) in the second subparagraph, for the words from the start to “entities” substitute “The Director”;
- (c) omit the third subparagraph.

(3) In paragraph 2 –

- (a) for the words from the start to “applicable” substitute “The Director”;
- (b) omit “that they granted”.

(4) In paragraph 3 –

- (a) for the words from the start to “grant it” substitute “The Director may grant a qualified entity”;
- (b) for the words “Agency or the national competent authority” substitute “Director”.

(5) Omit paragraphs 4 and 5.

Amendment of Article 70 of Regulation (EU) No 2018/1139.

98.(1) Article 70 (safeguard provisions) is amended as follows.

(2) In paragraph 1 –

- (a) in the first subparagraph –
 - (i) for the words from “delegated acts” to “thereof” substitute “regulations made under it”;
 - (ii) for “a Member State” substitute “the Director”;
 - (iii) in point (a), for “that Member State” substitute “the Director”;
 - (iv) in point (b) –
 - (aa) for “Member State” substitute “Director”;
 - (bb) for the words from “the delegated acts” to the end substitute “regulations made under it”;
- (b) omit the second subparagraph.

(3) Omit paragraphs 2, 3 and 4.

Amendment of Article 71 of Regulation (EU) No 2018/1139.

99. Omit Article 71.

Amendment of Articles 72 to 74 of Regulation (EU) No 2018/1139.

100. Omit the following –

- (a) Article 72 (information gathering, exchange and analysis);
- (b) Article 73 (protection of the source of information);
- (c) Article 74 (repository of information).

SECTION 5

The European Union Aviation Safety Agency – Chapter 5 of Regulation EU (No) 2018/1139

Amendment of Chapter 5 of Regulation (EU) No 2018/1139.

101. Omit Chapter 5.

SECTION 6

Final provisions – Chapter 6 of Regulation (EU) No 2018/1139

Amendment of Article 127 of Regulation (EU) No 2018/1139.

102. For Article 127 (committee procedure) substitute –

“Regulations

1. The Minister may make regulations under this Regulation.
2. Regulations made under this Regulation may –
 - (a) make different provision for different purposes or areas;
 - (b) include supplementary, incidental or consequential provision;
 - (c) make transitional, transitory or saving provision.”.

Amendment of Article 128 to 131 of Regulation (EU) No 2018/1139.

103. Omit the following—

- (a) Article 128 (exercise of the delegation);
- (b) Article 129 (participation of European third countries);
- (c) Article 130 (Headquarters Agreement and operating conditions);
- (d) Article 131 (penalties).

Amendment of Article 132 of Regulation (EU) No 2018/1139.

104.(1) Article 132 (processing of personal data) is amended as follows.

(2) In paragraph 1—

- (a) for “Member States” substitute “the Minister and the Director”;
- (b) for the words from “the national laws” to the end substitute “data protection legislation within the meaning of section 2(1) of the Data Protection Act 2004”.

(3) Omit paragraph 2.

Amendment of Article 140 of Regulation (EU) No 2018/1139.

105.(1) Article 140 (transitional provisions) is amended as follows.

(2) In paragraph 1, omit the words from “, including” to the end.

(3) Omit paragraph 4.

(4) In paragraph 5, for the words from “the delegated acts” to “this Regulation”, substitute “regulations made under Article 57 and Article 58”.

(5) Omit paragraph 6.

Amendment of Article 141 of Regulation (EU) No 2018/1139.

106. After Article 141 (entry into force), omit the sentence which begins “This Regulation shall be binding”.

SECTION 7

Annexes to Regulation (EU) No 2018/1139

Amendment of Annex I to Regulation (EU) No 2018/1139.

107. Annex I (aircraft referred to in point (d) of Article 2(3)), point 1 is amended as follows—

- (a) in point (a)(ii), in the third indent, omit “of a Member State”;
- (b) in point (d), for “Agency” substitute “Director”.

Amendment of Annex II to Regulation (EU) No 2018/1139.

108. Omit Annex II (essential requirements for airworthiness).

Amendment of Annex III to Regulation (EU) No 2018/113.

109. Omit Annex III (Essential requirements for environmental compatibility related to products).

Amendment of Annex IV to Regulation (EU) No 2018/1139.

110. Omit Annex IV (essential requirements for aircrew).

Amendment of Annex V to Regulation (EU) No 2018/1139.

111. Omit Annex V (essential requirements for air operations).

Amendment of Annex VI to Regulation (EU) No 2018/1139.

112. In Annex VI (essential requirements for qualified entities), in point 6, for the words from “one Member State” to the end substitute “the Director”.

Amendment of Annex VII to Regulation (EU) No 2018/1139.

113. In Annex VII (essential requirements for aerodromes)—

- (a) in point 2.2.2, omit “Union”;
- (b) in point 3.3, for “Member States” substitute “Director”;
- (c) in point 4.2.2, omit “Union”.

Amendment of Annex VIII to Regulation (EU) No 2018/1139.

114.(1) Annex VIII (essential requirements for ATM/ANS and air traffic controllers) is amended as follows.

- (2) In point 2.7 for “Union” substitute “national”.
- (3) In point 2.8—
 - (a) for “Member States” substitute “Minister”;
 - (b) for “as implemented under Regulation (EC) No 551/2004” substitute “as given effect under Eurocontrol airspace management documents”;
 - (c) omit “in the context of the common transport policy”.
- (4) In point 5.1(g), omit “Union”.

Amendment of Annex IX to Regulation (EU) No 2018/1139.

115.(1) Annex IX (essential requirements for unmanned aircraft) is amended as follows.

- (2) In point 1.1 omit “Union and national”.
- (3) In point 2.2(a), for the words from “the delegated act” to “Article 57” substitute “regulations made under Articles 57 and 58”.
- (4) In point 2.4.5, for “Union law” substitute “the law of Gibraltar”.
- (5) In point 4—
 - (a) in point 4.1 –
 - (i) for “Member States” substitute “Gibraltar”;
 - (ii) for “the implementing acts referred to in” substitute “regulations made under”;
 - (b) in points 4.2 and 4.3, for “the implementing acts referred to in” substitute “regulations made under”.

PART 5

EU implementing Regulations

CHAPTER 1

Amendment of Commission Regulation on air operations

Commission Regulation (EU) No 965/2012 (air operations).

116. Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council is amended in accordance with the following regulations.

Amendment of Article 1 of Commission Regulation (EU) No 965/2012.

117.(1) For Article 1(1) substitute –

“1. This Regulation lays down detailed rules for ramp inspections of aircraft of operators under the safety oversight of another State when landed at Gibraltar Airport.”.

(2) Omit paragraphs 2, 3, 4, 6 and 7.

Amendment of Article 2 of Commission Regulation (EU) No 965/2012.

118. In Article 2–

- (a) omit the definition of “specialised operation”;
- (b) omit the definition of “high risk commercial operation”;
- (c) after the definition of “flying display” insert –

“(12) ‘Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(13) ‘Minister’ means the Minister with responsibility for Civil Aviation.”.

Amendment of Article 3 of Commission Regulation (EU) No 965/2012.

119.(1) Article 3 (oversight capabilities) is amended as follows.

- (2) Omit paragraphs 1 to 6.

Amendment of Article 4 of Commission Regulation (EU) No 965/2012.

120. In Article 4 (ramp inspections), omit “of another Member State or”.

Amendment of Article 5 of Commission Regulation (EU) No 965/2012.

121. Omit Article 5 (air operations).

Amendment of Article 6 of Commission Regulation (EU) No 965/2012.

122. Omit Article 6 (derogations).

Amendment of Article 7 of Commission Regulation (EU) No 965/2012.

123. Omit Article 7 (air operator certificates).

Amendment of Article 8 of Commission Regulation (EU) No 965/2012.

124. Omit Article 8 (flight time limitations).

Amendment of Article 9 of Commission Regulation (EU) No 965/2012.

125. Omit Article 9 (minimum equipment lists).

Amendment of Article 9a of Commission Regulation (EU) No 965/2012.

126. Omit Article 9a (Flight and cabin crew training).

Amendment of Article 9aa of Commission Regulation (EU) No 965/2012.

127. Omit Article 9aa (Flight crew requirements for maintenance check flights).

Amendment of Article 9b of Commission Regulation (EU) No 965/2012.

128. Omit Article 9b (review).

Further amendment of Commission Regulation (EU) No 965/2012.

129. After Article 10 (entry into force), omit the sentence which begins “This Regulation shall be binding”.

Amendment of Annex 1 to Commission Regulation (EU) No 965/2012.

130.(1) Annex 1 (definitions for terms used in Annexes 2 to 8) is amended as follows.

(2) In points (2), (9) and (19), for “Agency” substitute “Director”.

(3) In point (79), for the words from “the period” to the end substitute “the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level”.

(4) In point (98), for the words “or on behalf of a competent authority” substitute “the Director”.

Amendment of Annex 2 to Commission Regulation (EU) No 965/2012.

131. In Annex 2—

(a) Omit ARO.GEN.005 Scope;

(b) subject to paragraph (c), omit SUBPART GEN;

(c) in ARO.GEN.305, for paragraph (a) substitute—

“(a)The Director shall establish and maintain an oversight programme covering the oversight activities required by ARO.RAMP.”;

(d) omit SUBPART OPS.

Amendment of Subpart RAMP of Annex 2 to Commission Regulation (EU) No 965/2012.

132.(1) Subpart RAMP is amended as follows.

(2) In point ARO.RAMP.005—

(a) for “competent authority or the Agency” substitute “Director”;

- (b) for “its tasks” substitute “his tasks”;
 - (c) omit “or used by operators under the regulatory oversight of another Member State”;
 - (d) for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”.
- (3) In point ARO.RAMP.100—
- (a) in point (b), for “competent authority” substitute “Director”;
 - (b) in point (c)—
 - (i) in the first place it occurs, for “competent authority” substitute “Director”;
 - (ii) at the end of point (1), omit “; and”;
 - (iii) omit the rest of point (c);
 - (c) omit point (d).
- (4) Omit point ARO.RAMP 105.
- (5) In point ARO.RAMP.110, for “competent authority” substitute “Director”.
- (6) In point ARO.RAMP.115—
- (a) in point (a), for “competent authority and the Agency” substitute “Director”;
 - (b) in point (b)(2)(ii), for “competent authority or the Agency” substitute “Director”;
 - (c) in point (c), for “competent authority” substitute “Director”;
 - (d) in point (d), for “Agency” substitute “Director”;
 - (e) omit point (e).
- (7) In point ARO.RAMP.120—
- (a) in point (a)—
 - (i) for “competent authority” substitute “Director”
 - (ii) for “the territory of the respective Member State” substitute “Gibraltar”;
 - (iii) in point (3), for “Agency” substitute “Director”;

- (b) omit point (b).
- (8) In point ARO.RAMP.135 –
- (a) in point (a) –
 - (i) for the words “competent authority, or where relevant the Agency” substitute “Director”;
 - (ii) in point (2) –
 - (aa) in the first place it occurs, for “competent authority” substitute “aviation authority”;
 - (bb) for the words “competent authority or Agency” substitute “Director”;
 - (b) in point (b) –
 - (i) for “competent authority” substitute “Director”;
 - (ii) in point (4), for “imposing an immediate operating ban” substitute “suspending permission under regulation 98 of the Civil Aviation (Air Navigation) Regulations 2009”;
 - (c) omit point (c).
- (9) In point ARO.RAMP.140 –
- (a) in point (a), for “competent authority” substitute “Director”;
 - (b) in point (b) –
 - (i) for the words “competent authority of the State where the aircraft is grounded” substitute “Director”;
 - (ii) in the second place it occurs, for “competent authority” substitute “aviation authority”;
 - (iii) omit the words from “, and the Agency” to the end;
 - (c) in point (c), for “competent authority” substitute “Director”;
 - (d) in point (d) –
 - (i) for “competent authority” substitute “Director”;
 - (ii) omit point (2);

- (iii) in point (3), omit the words from “for aircraft registered” to the end.
- (c) in point (c), for “competent authority” substitute “Director”;
- (d) in point (d) –
 - (i) for “competent authority” substitute “Director”;
 - (ii) omit point (2);
 - (iii) in point (3), omit the words from “for aircraft registered” to the end.
- (10) In point ARO.RAMP.145 –
 - (a) in point (a) –
 - (i) for “centralised” substitute “Director”;
 - (ii) omit “referred to in ARO.RAMP.150(b)(2)”;
 - (b) in point (b) –
 - (i) for the words “competent authority or the Agency” substitute “Director”;
 - (ii) omit “centralised”;
 - (iii) in the second place it occurs, for “Agency” substitute “Director”;
 - (iv) for “assigned to it” substitute “assigned to him”;
 - (c) omit point (c);
 - (d) in point (d), for “competent authority” substitute “Director”.
- (11) Omit point ARO.RAMP.150.
- (12) Omit point ARO.RAMP.155.
- (13) Omit point ARO.RAMP.160.

Amendment of the Appendices to Annex 2 to Commission Regulation (EU) No 965/2012.

133.(1) The Appendices to Annex 2 are amended as follows.

- (2) Omit Appendix 1.
- (3) In Appendix 2, omit from “Helicopter offshore operations” until the end.

(4) Omit Appendix 3.

(5) Omit Appendix 4.

(6) Omit Appendix 5.

(7) Omit Appendix 6.

Amendment of Annex 3 to Commission Regulation (EU) No 965/2012.

134. Omit Annex 3 (Organisation requirements for air operations).

Amendment of Annex 4 to Commission Regulation (EU) No 965/2012.

135. Omit Annex 4 (Commercial air transport operations).

Amendment of Annex 5 to Commission Regulation (EU) No 965/2012.

136. Omit Annex 5 (Specific approvals).

Amendment of Annex 6 to Commission Regulation (EU) No 965/2012.

137. Omit Annex 6 (Non-commercial air operations with complex motor powered aircraft).

Amendment of Annex 7 to Commission Regulation (EU) No 965/2012.

138. Omit Annex 7 (Non-commercial air operations with other than complex motor powered aircraft).

Amendment of Annex 8 to Commission Regulation (EU) No 965/2012.

139. Omit Annex 8 (Specialised operations).

CHAPTER 2

Amendment of Commission Regulation on third country operators

Commission Regulation (EU) No 452/2014 (third country operators).

140. Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council is amended in accordance with the following regulations.

Amendment of Article 1 of Commission Regulation (EU) No 452/2014.

141. In Article 1 (subject matter and scope), for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”.

Amendment of Article 2 of Commission Regulation (EU) No 452/2014.

142. In Article 2 (definitions)—

(a) in point 1, for “Agency” substitute “Director”;

(b) for point 4 substitute –

“ ‘third country operator’ means any operator holding an air operator certificate issued by another country, excluding the United Kingdom, the Crown Dependencies and Overseas Territories;”;

(c) after point 4 insert –

“(5) ‘Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(6) ‘Minister’ means the Minister with responsibility for Civil Aviation.”.

Amendment of Article 3 of Commission Regulation (EU) No 452/2014.

143. In Article 3 (authorisations)—

(a) for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”;

(b) for “Agency” substitute “Director”;

(c) after “this Regulation” insert “or hold an authorisation issued by the United Kingdom aviation authorities”.

Amendment of Article 4 of Commission Regulation (EU) No 452/2014.

144. In Article 4 (entry into force), omit paragraphs 2, 3 and 4.

Further amendment of Commission Regulation (EU) No 452/2014.

145. After Article 4, omit the sentence which begins “This Regulation”.

Amendment of Annex 1 to Commission Regulation (EU) No 452/2014.

146.(1) Annex 1 (Part-TCO) is amended as follows.

(2) In section 1—

- (a) in point TCO.100, for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”;
 - (b) in points TCO.105 and TCO.110, in each place it occurs, for “Agency” substitute “Director”;
 - (c) in point TCO.115—
 - (i) in point (a), for “Agency or the Member State in whose territory one of its aircraft has landed” substitute “Director”;
 - (ii) in point (b), for “Agency” substitute “Director”.
- (3) In section 2 –
- (a) in point TCO.200 –
 - (i) in point (a) –
 - (aa) in point (2), for “Agency” substitute “Director”;
 - (bb) in point (4), for “Union” substitute “Gibraltar”;
 - (ii) in point (b), for “the territory subject to the provisions of the Treaty”, substitute “Gibraltar”;
 - (iii) in point (c), for “the Union” substitute “Gibraltar”;
 - (iv) in points (d) and (e), for “Agency” substitute “Director”;
 - (b) in point TCO.205, for “the territory to which the Treaty applies” substitute “Gibraltar”;
 - (c) in point TCO.215, for “Agency or the competent authority of the Member State where the aircraft has landed” substitute “Director”.
- (4) In section 3—
- (a) in point TCO.300 –
 - (i) in each place it occurs, for “Agency” substitute “Director”;
 - (ii) in paragraph (a), at the end insert “or provide proof of a Part TCO authorisation issued by the United Kingdom aviation authorities”;
 - (b) in point TCO.305(a)—
 - (i) in point (1), in both places it occurs, for “Agency” substitute “Director”;

- (ii) in point (2), for the words from “pursuant to” to “of the Council” substitute “under any relevant enactment”;
- (c) in point TCO.315, in each place it occurs, for “Agency” substitute “Director”;
- (d) in point TCO.320—
 - (i) in point (a) –
 - (aa) in point (3), for “Agency” substitute “Director”;
 - (bb) in point (4), for the words from “pursuant to” to the end substitute “under any relevant enactment”;
 - (cc) in point (6), for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”;
 - (ii) in point (b), for “Agency” substitute “Director”;
- (e) in point TCO.325, in each place it occurs, for “Agency” substitute “Director”.

Amendment of Annex 2 to Commission Regulation (EU) No 452/2014.

147.(1) Annex 2 (Part-ART) is amended as follows.

- (2) In section 1—
 - (a) in point ART.100, for “Member States and the Agency” substitute “Director”;
 - (b) in point ART.105, in both places it occurs, for “Agency” substitute “Director”;
 - (c) omit point ART.110;
 - (d) in point ART.115, in each place it occurs, for “Agency” substitute “Director”.
- (3) In section 2—
 - (a) in point ART.200—
 - (i) in point (a), for “Agency” substitute “Director”;
 - (ii) in point (d) –
 - (aa) in the first sentence, for the words from the start to “Member States,” substitute “The Director must”;
 - (bb) in the second sentence, for “Agency” substitute “Director”;

- (iii) in point (e), for “Agency” substitute “Director”;
- (b) in point ART.205 –
 - (i) in point (a), for the words from “pursuant to” to “Agency” substitute “under any relevant enactment, the Director”;
 - (ii) in point (b) –
 - (aa) for “Agency” substitute “Director”;
 - (bb) for “Commission” substitute “Minister”;
 - (iii) in point (c) –
 - (aa) for “Agency” substitute “Director”;
 - (bb) for “Agency’s” substitute “Director’s”;
 - (iv) omit point (e).
- (c) in point ART.210 –
 - (i) in point (a) –
 - (aa) in the first place it occurs, for “Agency” substitute “Director”;
 - (bb) in point (2), for “the EU” substitute “Gibraltar”;
 - (cc) in point (3)(ii), for “Agency” substitute “Director”;
 - (dd) in point (5), for the words from “pursuant to” to the end substitute “under any relevant enactment”;
 - (ii) in point (c), for “Agency” substitute “Director”;
- (d) in points ART.215, ART.220, ART.225 and ART.230, in each place it occurs, for “Agency” substitute “Director”;
- (e) in point ART.235 –
 - (i) in the first place it occurs, for “Agency” substitute “Director”;
 - (ii) in point (a)(3), for the words from “a measure” to the end, substitute “an operating ban under any relevant enactment”;
 - (iii) in points (b) to (d), for “Agency” substitute “Director”;

- (iv) in point (e) –
 - (aa) for “Agency” substitute “Director”;
 - (bb) in point (2) for the words from “pursuant to” to the end substitute “under any relevant enactment”;
- (v) in point (f), for “Regulation (EC) No 2111/2005, the Agency” substitute “any relevant enactment, the Director”.

CHAPTER 3

Amendment of Commission Regulation on air traffic controllers

Commission Regulation (EU) No 2015/340 (air traffic controllers).

148. Commission Regulation (EU) No 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers’ licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation 923/2012 and repealing Commission Regulation (EU) No 805/2011, is amended in accordance with the following regulations.

Amendment of Article 2 of Commission Regulation (EU) No 2015/340.

149.(1) Article 2 (compliance with requirements and procedures) is amended as follows.

(2) In paragraphs 1 and 2, for “competent authority referred to in Article 6” substitute “Director”.

(3) In paragraph 4—

- (a) for “the territory to which the Treaty applies” substitute “Gibraltar”;
- (b) for “the territory subject to the provisions of the Treaty” substitute “Gibraltar”;
- (c) in point (b), for “competent authority referred to in Article 6” substitute “Director”.

(4) In paragraph 5—

- (a) in the first place the words occur, for “the territory of the Member States” substitute “Gibraltar”;
- (b) in point (b), for “competent authority referred to in Article 6” substitute “Director”;

- (c) in the second place the words occur, for “the territory of the Member States” substitute “Gibraltar”.

Amendment of Article 3 of Commission Regulation (EU) No 2015/340.

150. In Article 3 (provision of air traffic control services)—

- (a) in paragraph 2, for “Member States” substitute “the Minister”;
- (b) in paragraph 3—
 - (i) for “Member States” substitute “The Minister”;
 - (ii) omit “their”.

Amendment of Article 4 of Commission Regulation (EU) No 2015/340.

151. In Article 4 (definitions)—

- (a) in points (2), (5) and (11), for “Agency” substitute “Director”;
- (b) in point (29), for “competent authority” substitute “Director”;
- (c) after point (31) insert –

“(32) ‘Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

“(33) ‘Minister’ means the Minister with responsibility for Civil Aviation.”.

Amendment of Article 5 of Commission Regulation (EU) No 2015/340.

152. In Article 5 (competent authority)—

- (a) for paragraph 1 substitute—

“1. The Director is the competent authority with responsibilities for the certification and oversight of persons and organisations subject to this Regulation.”.

- (b) omit the rest of Article 5.

Amendment of Article 6 of Commission Regulation (EU) No 2015/340.

153. Omit Article 6 (competent authority for the purposes of Annexes 1, 3 and 4).

Amendment of Article 7 of Commission Regulation (EU) No 2015/340.

154. In Article 7 (transitional provisions), omit paragraph 2.

Amendment of Article 8 of Commission Regulation (EU) No 2015/340.

155. Omit Article 8 (replacement of licences, adaptations of privileges, training courses and unit competence schemes).

Amendment of Article 11 of Commission Regulation (EU) No 2015/340.

156. In Article 11(2) –

- (a) in the first paragraph, for “Member States” substitute “the Director”;
- (b) in the second paragraph –
 - (i) for “a Member State” substitute “the Director”;
 - (ii) omit the words from “it shall notify” to “In that case,”.

Further amendment of Commission Regulation (EU) No 2015/340.

157. In Article 11 (entry into force and application), omit from “By the way of derogation” to the end of the Article.

Amendment of the table of contents for the Annexes to Commission Regulation (EU) No 2015/340.

158. The table of contents for the Annexes is amended as follows—

- (a) omit the entry for point ATCO.A.010;
- (b) omit the entry for point ATCO.AR.A.020;
- (c) omit the entry for point ATCO.MED.A.001.

Amendment of Subpart A of Annex 1 to Commission Regulation (EU) No 2015/340.

159.(1) Subpart A (general requirements) of Annex 1 (Part-ATCO) is amended as follows.

(2) In point ATCO.A.005—

- (a) in point (a) –
 - (i) after “endorsements” insert “or for the validation of UK CAA issued licences”;
 - (ii) for “competent authority” substitute “Director”;

(b) in point (c), for “competent authority” substitute “Director”.

(3) Omit point ATCO.A.010.

(4) In point ATCO.A.015(d), for “competent authority as defined in that procedure” substitute “Director”.

(5) In point ATCO.A.020—

(a) in point (a), for “competent authority” substitute “Director”;

(b) in point (b), for “competent authority” substitute “Director”.

Amendment of Subpart B of Annex 1 to Commission Regulation (EU) No 2015/340.

160.(1) Subpart B (licences, ratings and endorsements) of Annex 1 is amended as follows.

(2) In point ATCO.B.020 –

(a) omit point (c);

(b) in point (d), for “competent authority” substitute “Director”.

(3) In point ATCO.B.025—

(a) in point (a), in each place the words occur, for “competent authority” substitute “Director”;

(b) in point (b), for “competent authorities” substitute “Director”.

(4) In point ATCO.B.030—

(a) in point (a), omit the words from “and, if applicable” to “Publications”;

(b) in point (d), after “competent authority” insert “issuing the licence”.

(5) In point ATCO.B.040—

(a) in point (a), after “competent authority” insert “issuing the licence”.

(b) in point (b), after “competent authorities” insert “issuing the licence”.

Amendment of Subpart C of Annex 1 to Commission Regulation (EU) No 2015/340.

161. In Subpart C (requirements for instructors and assessors) of Annex 1, in each place the words occur, for “competent authority” substitute “Director”.

Amendment of Subpart D of Annex 1 to Commission Regulation (EU) No 2015/340.

162. In Subpart D (air traffic controller training) of Annex 1, in each place the words occur, for “competent authority” substitute “Director”.

Amendment of the heading for Annex 2 to Commission Regulation (EU) No 2015/340.

163. In the heading for Annex 2, for “competent authorities” substitute “the Director”.

Amendment of Subpart A of Annex 2 to Commission Regulation (EU) No 2015/340.

164.(1) Subpart A (general requirements) of Annex 2 (Part-ATCO.AR) is amended as follows.

(2) In point ATCO.AR.A.001, for “competent authorities with responsibility for” substitute “Director in respect of”.

(3) In point ATCO.AR.A.005—

(a) in point (a), for “Competent authorities” substitute “The Director”;

(b) in points (b) and (c), for “competent authority” substitute “Director”.

(4) In point ATCO.AR.A.010—

(a) in the heading, for “competent authorities” substitute “Director”;

(b) in point (a)—

(i) for “competent authorities” substitute “Director”;

(ii) omit point (14).

(5) In point ATCO.AR.A.015 –

(a) in point (a), for “Agency” substitute “Director”;

(b) in point (c), for “competent authority” substitute “Director”;

(c) in point (d) –

(i) in both places the words occur, for “competent authority” substitute “Director”;

(ii) omit points (2) and (3);

(d) in point (e) –

- (i) in the first place the words occur, for “competent authority” substitute “Director”;
 - (ii) at the end of point (1) omit “and”;
 - (iii) omit point (2);
 - (iv) omit the paragraph commencing “The competent authority shall provide”.
- (6) Omit point ATCO.AR.A.020.
- (7) In point ATCO.AR.A.025 –
- (a) in point (a), for “competent authority” substitute “Director”;
 - (b) omit point (b);
 - (c) in point (c) –
 - (i) for “points (a) and (b)” substitute “point (a)”;
 - (ii) for “competent authority” substitute “Director”;
 - (d) in point (d), omit the words from “The competent authority shall also notify” to the end.

Amendment of Subpart B of Annex 2 to Commission Regulation (EU) No 2015/340.

165.(1) Subpart B (management) of Annex 2 is amended as follows.

- (2) In point ATCO.AR.B.001—
- (a) in point (a)—
 - (i) in the first place it occurs, for “competent authority” substitute “Director”;
 - (ii) in point (1), for “that competent authority” substitute “the Director”;
 - (iii) in points (4) and (5), for “competent authority” substitute “Director”;
 - (b) in point (b), for “competent authority” substitute “Director”;
 - (c) omit points (c) and (d).
- (3) In point ATCO.AR.B.005, in each place the words occur, for “competent authority” substitute “Director”.

(4) In point ATCO.AR.B.010—

- (a) in points (a) and (b), for “competent authority” substitute “Director”;
- (b) omit point (c).

(5) In point ATCO.AR.B.015—

- (a) in point (a), for “Competent authorities” substitute “The Director”;
- (b) in point (b)—
 - (i) in the first place the words occur, for “competent authority” substitute “Director”;
 - (ii) omit point (7);
 - (iii) in point (12) –
 - (aa) omit “and notification to the Agency”;
 - (bb) for “competent authority” substitute “Director”.

Amendment of Subpart C of Annex 2 to Commission Regulation (EU) No 2015/340.

166.(1) Subpart C (oversight and enforcement) of Annex 2 is amended as follows.

(2) In point ATCO.AR.C.001—

- (a) in points (a) and (b), in each place the words occur, for “competent authority” substitute “Director”;
- (b) omit points (d) and (e).

(3) In point ATCO.AR.C.005, in each place the words occur, for “competent authority” substitute “Director”.

(4) In point ATCO.AR.C.010—

- (a) in point (a), in both places the words occur, for “competent authority” substitute “Director”;
- (b) in point (b)—
 - (i) for the words from the start to “issuing of the licence” substitute “The Director”;

- (ii) at the start of points (1) and (2) omit “it”;
- (c) omit point (c).

Amendment of Subpart D of Annex 2 to Commission Regulation (EU) No 2015/340.

167.(1) Subpart D (issue etc. of licences, ratings, endorsements and authorisations) of Annex 2 is amended as follows.

- (2) In point ATCO.AR.D.001—
 - (a) in point (a)—
 - (i) in the first place it occurs, after “competent authority” insert “issuing the licence”;
 - (ii) for “and exchange” substitute “and issue”;
 - (b) in point (b), after “competent authority” insert “issuing the licence”;
 - (c) in point (c), after “competent authority” insert “issuing the licence”;
 - (d) in point (d), after “competent authority” insert “issuing the licence”;
 - (e) in point (e), after “competent authority” insert “issuing the licence”.
- (3) In point ATCO.AR.D.005—
 - (a) in point (a), after “competent authority” insert “issuing the licence”;
 - (b) in point (b), after “competent authority” insert “issuing the licence”;
 - (c) in point (c), after “competent authority” insert “issuing the licence”;
 - (d) in point (d), after “competent authority” insert “issuing the licence”;
 - (e) in point (e), after “competent authority” insert “issuing the licence”.

Amendment of Subpart E of Annex 2 to Commission Regulation (EU) No 2015/340.

168.(1) Subpart E (training organisations and course approvals) of Annex 2 is amended as follows.

- (2) In point ATCO.AR.E.001—
 - (a) in points (a) and (b), for “competent authority” substitute “Director”;
 - (b) in point (c)—

- (i) for “without prior competent authority’s approval” substitute “without the Director’s prior approval”;
 - (ii) for “competent authority” substitute “Director”;
- (3) In point ATCO.AR.E.005—
 - (a) in point (a), for “competent authority” substitute “Director”;
 - (b) omit point (b).
- (4) In point ATCO.AR.E.010—
 - (a) in point (a), in each place the words occur, for “competent authority” substitute “Director”;
 - (b) in point (b)—
 - (i) for “competent authority’s” substitute “Director’s”;
 - (ii) for “competent authority” substitute “Director”;
 - (c) in point (c), in both places the words occur, for “competent authority” substitute “Director”.
- (5) In point ATCO.AR.E.015, in each place the words occur, for “competent authority” substitute “Director”.

Amendment of Subpart F of Annex 2 to Commission Regulation (EU) No 2015/340.

169. Subpart F (aero-medical certification) of Annex 2 is amended as follows.

- (2) In point ATCO.AR.F.001, for “competent authority” substitute “Director”.
- (3) In point ATCO.AR.F.005—
 - (a) in point (a)(3), omit “in which the ATCO licence has been issued or applied for”;
 - (b) in point (b), for “competent authority” substitute “Director”;
 - (c) in point (c)—
 - (i) omit “the national language(s) and in”;
 - (ii) for “competent authority” substitute “Director”.

(4) In points ATCO.AR.F.010, ATCO.AR.F.015 and ATCO.AR.F.020, for “competent authority” substitute “Director”.

Amendment of the Appendices to Annex 2 to Commission Regulation (EU) No 2015/340.

170.(1) The Appendices to Annex 2 are amended as follows.

(2) In Appendix 1—

(a) in point (a)—

(i) in point (1) in each place the words occur, for “competent authority” substitute “Director”;

(ii) in point (2), for “competent authority” substitute “Director”;

(b) in point (c), for “competent authority” substitute “Director”;

(c) in point (d), omit the words from “and, if required” to the end;

Amendment of Subpart B of Annex 3 to Commission Regulation (EU) No 2015/340.

171.(1) Subpart B (requirements for air traffic controller training organisations) of Annex 3 is amended as follows.

(2) In point ATCO.OR.B.001, in each place the words occur, for “competent authority” substitute “Director”.

(3) In point ATCO.OR.B.005—

(a) in point (a), for “Agency” substitute “Director”;

(b) in points (b) and (c), for “competent authority” substitute “Director”.

(4) In point ATCO.OR.B.015—

(a) in point (a), for “competent authority” substitute “Director”;

(b) in point (b), for “their competent authority” substitute “the Director”;

(c) in points (c) to (f), in each place the words occur, for “competent authority” substitute “Director”.

(5) In points ATCO.OR.B.020, ATCO.OR.B.025, ATCO.OR.B.030, ATCO.OR.B.035 and ATCO.OR.B.040, in each place the words occur, for “competent authority” substitute “Director”.

Amendment of Subpart C of Annex 3 to Commission Regulation (EU) No 2015/340.

172.(1) Subpart C (management of air traffic controller training organisations) of Annex 3 is amended as follows.

(2) In point ATCO.OR.C.005(b), for “competent authority” substitute “Director”.

(3) In point ATCO.OR.C.020(c), for “the applicable national data protection law” substitute “data protection legislation within the meaning of section 2(1) of the Data Protection Act 2004”.

Amendment of Subpart A of Annex 4 to Commission Regulation (EU) No 2015/340.

173.(1) Subpart A (general requirements) of Annex 4 (Part-ATCO.MED) is amended as follows.

(2) In point ATCO.MED.A.001 –

(a) for point (a) substitute –

“the Director for aero-medical centres (AeMCs);”

(b) for point (b), paragraphs (1) and (2) substitute –

“(1) the Director where licences are issued in Gibraltar;

(2) for licences issued by the UK CAA and validated by the Director, the UK CAA.”.

(3) For point ATCO.MED.A.010(f) substitute –

“(f) ‘Licencing authority’ means the competent authority in accordance with this Part;”.

(4) In point ATCO.MED.A.025—

(a) in point (c), for “national legislation” substitute “any other enactment”;

(b) in point (d), for “competent authority” substitute “Director”.

(5) In point ATCO.MED.A.035(a), after “competent authority” insert “for this Part”.

Amendment of Subpart C of Annex 4 to Commission Regulation (EU) No 2015/340.

174.(1) Subpart C (aeromedical examiners) of Annex 4 is amended as follows.

(2) Omit point ATCO.MED.C.001(c).

(3) In point ATCO.MED.C.015(a), for the words from “competent authority” to “place of business” substitute “Director”.

(4) In point ATCO.MED.C.020, in each place the words occur, for “competent authority” substitute “Director”.

CHAPTER 4

Amendment of Commission Regulation on aerodromes

Commission Regulation (EU) No 139/2014 (aerodromes).

175. Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council is amended in accordance with the following regulations.

Amendment of Article 1 of Commission Regulation (EU) No 139/2014.

176.(1) Article 1 (subject matter and scope) is amended as follows.

(2) In paragraph 1, omit point (e).

(3) In paragraph 2, for the words from “Competent Authorities” to “service providers”, substitute “The Director”.

Amendment of Article 2 of Commission Regulation (EU) No 139/2014.

177.(1) Article 2 (definitions) is amended as follows.

(2) In point 7, for “Agency” substitute “Director”.

(3) Omit point 8.

(4) In point 9, for “Competent Authority” substitute “Director”.

(5) In point 10—

(a) for “Competent Authority” substitute “Director”;

(b) for “Agency” substitute “Director”.

(6) After point 15 insert –

“(16) ‘Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

(17) ‘Minister’ means the Minister with responsibility for Civil Aviation.’.

Amendment of Article 3 of Commission Regulation (EU) No 139/2014.

178.(1) Article 3 (oversight of aerodromes) is amended as follows.

(2) In paragraph 1, for the words from the beginning to “responsibilities” substitute “The Director is responsible”.

(3) In paragraph 2—

(a) in both places the words occur, for “Competent Authority” substitute “Director”;

(b) omit the words from “Member States shall ensure” to the end.

(4) Omit paragraph 3.

(5) Omit paragraph 4.

(6) In paragraph 5, for the words from the start to “Competent Authorities” substitute “The Director must ensure that his”.

(7) In paragraph 6, for “Competent Authority” substitute “Director”.

(8) In paragraph 7, for the words from “the national legislation” to the end substitute “any relevant enactment”.

Amendment of Article 4 of Commission Regulation (EU) No 139/2014.

179. Omit Article 4 (information to the European Aviation Safety Agency).

Amendment of Article 5 of Commission Regulation (EU) No 139/2014.

180.(1) Article 5 (exemptions) is amended as follows.

(2) Omit paragraph 1.

(3) Omit paragraph 2.

(4) Omit paragraphs 3 and 4.

Amendment of Article 6 of Commission Regulation (EU) No 139/2014.

181. Omit Article 6 (conversion of certificates).

Amendment of Article 7 of Commission Regulation (EU) No 139/2014.

182.(1) Article 7 (deviations from certification specifications) is amended as follows.

(2) In paragraph 1—

(a) for “Competent Authority” substitute “Director”;

(b) for “Agency” substitute “Director”.

(3) In paragraphs 2 and 3, in each place the words occur, for “Competent Authority” substitute “Director”.

Amendment of Article 8 of Commission Regulation (EU) No 139/2014.

183.(1) Article 8 (safeguarding of aerodrome surroundings) is amended as follows.

(2) In paragraph 1, for “Member States” substitute “The Minister”.

(3) In paragraph 2—

(a) in the first place the words occur, for “Member States” substitute “The Minister”;

(b) in the second place the words occur, for “Member States” substitute “the Director”.

(4) Omit paragraph 3.

Amendment of Article 9 of Commission Regulation (EU) No 139/2014.

184. In Article 9 (monitoring of aerodrome surroundings), for “Member States” substitute “The Minister”.

Amendment of Article 10 of Commission Regulation (EU) No 139/2014.

185. In Article 10 (wildlife hazard management), in both places the words occur, for “Member States” substitute “The Director”.

Amendment of Article 11 of Commission Regulation (EU) No 139/2014.

186. In Article 11 (entry into force and application), omit paragraphs 2 to 5.

Further amendment of Commission Regulation (EU) No 139/2014.

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

Amendment of Annex 1 to Commission Regulation (EU) No 139/2014.

188. In Annex 1 (definitions for terms used in Annexes 2 to 4), in points (1) and (12), for “Agency” substitute “Director”.

Amendment of Annex 2 to Commission Regulation (EU) No 139/2014.

189.(1) Annex 2 (Part-ADR.AR) is amended as follows.

(2) In Subpart A (ADR.AR.A)—

- (a) in point ADR.AR.A.001, for “Competent Authorities involved in” substitute “Director regarding”;
- (b) in point ADR.AR.A.005—
 - (i) in the heading, for “Competent Authority” substitute “Director”;
 - (ii) for the words from the start to “located” substitute “The Director”;
- (c) in point ADR.AR.A.010, in both places the words occur, for “Competent Authority” substitute “Director”;
- (d) in point ADR.AR.A.015—
 - (i) in point (a), for “Agency” substitute “Director”;
 - (ii) in point (c), for “Competent Authority” substitute “Director”;
 - (iii) in point (d)—
 - (aa) in the first two places these words occur, for “Competent Authority” substitute “Director”;
 - (bb) omit points (2), (3) and (4);
 - (iv) omit point (e);
- (e) omit point ADR.AR.A.025;
- (f) in point ADR.AR.A.030—
 - (i) in point (a), for “Competent Authority” substitute “Director”;
 - (ii) in point (b)—
 - (aa) for “Agency” substitute “Director”;
 - (bb) omit the text from “and without undue delay” to the end;
 - (iii) in point (c), for “Competent Authority” substitute “Director”;

- (iv) in point (d), omit the sentence which begins “The Competent Authority shall also notify”;
- (g) in point ADR.AR.A.040—
 - (i) in point (a)—
 - (aa) in both places the words occur, for “Competent Authority” substitute “Director”;
 - (bb) omit the words “established by the Agency”;
 - (ii) omit point (c);
 - (iii) in point (d), for “Competent Authority” substitute “Director”.
- (3) In Subpart B (ADR.AR.B)—
 - (a) in point ADR.AR.B.005—
 - (i) in point (a)—
 - (aa) in the first place the words occur, for “Competent Authority” substitute “Director”;
 - (bb) in point (1), for “that Competent Authority” substitute “the Director”;
 - (ii) in point (b), for “Competent Authority” substitute “Director”;
 - (iii) omit point (c);
 - (b) in point ADR.AR.B.010—
 - (i) in point (a)—
 - (aa) for “Member States” substitute “the Director”;
 - (bb) for “Competent Authority shall ensure that it” substitute “Director shall ensure that he”;
 - (ii) in point (b) –
 - (aa) for “Competent Authority” substitute “Director”;
 - (bb) for “its” substitute “his”.
 - (c) in point ADR.AR.B.015—

- (i) in point (a) –
 - (aa) for “Competent Authority” substitute “Director”;
 - (bb) for “its capability” substitute “his capability”;
 - (ii) in point (b) for “Competent authority shall update its” substitute “Director shall update his”;
 - (iii) omit point (c);
- (d) in point ADR.AR.B.020—
- (i) in point (a)—
 - (aa) in the first place the words occur, for “Competent Authority” substitute “Director”;
 - (bb) omit point (7);
 - (ii) for point (b) substitute –

“(b) The Director shall maintain a list of all certificates he has issued and declarations he received.”
- (4) In Subpart C (ADR.AR.C)—
- (a) in points ADR.AR.C.005, ADR.AR.C.010 and ADR.AR.C.015, in each place the words occur, for “Competent Authority” substitute “Director”;
 - (b) in point ADR.AR.C.020—
 - (i) in the first place the words occur, for “Competent Authority” substitute “Director”;
 - (ii) in point (a), for “Agency which the Competent Authority finds” substitute “Director”;
 - (iii) in each remaining place the words occur, for “Competent Authority” substitute “Director”;
 - (c) in point ADR.AR.C.025—
 - (i) in point (a)—
 - (aa) for “Competent Authority” substitute “Director”;
 - (bb) for “Agency” substitute “Director”;

- (ii) in point (b), for “Competent Authority” substitute “Director”;
- (d) in point ADR.AR.C.035 –
 - (i) in each place the words occur, for “Competent Authority” substitute “Director”;
 - (ii) in point (a) for “it” substitute “he”.
- (e) in point ADR.AR.C.040—
 - (i) in point (a)—
 - (aa) in the first place the words occur, for “Competent Authority” substitute “Director”;
 - (bb) in point (1), for “Agency” and for “Competent Authority” substitute “Director”;
 - (cc) in point (2), for “issued by the Agency that the Competent Authority” substitute “that the Director”;
 - (dd) in point (3), in both places the words occur, for “Competent Authority” substitute “Director”;
 - (ii) in points (b) to (f), in each place the words occur, for “Competent Authority” substitute “Director”;
- (f) in point ADR.AR.C.050 –
 - (i) in each place the words occur, for “Competent Authority”;
 - (ii) in point (c) for “its” substitute “his”.
- (g) in point ADR.AR.C.055—
 - (i) in point (a), for the words from the start to “ADR.AR.CR.00” substitute “The Director”;
 - (ii) in points (b) to (e), in each place the words occur, for “Competent Authority” substitute “Director”;
 - (iii) in point (d)(4) for “it has applied” substitute “he has applied”.

Amendment of Annex 3 to Commission Regulation (EU) No 139/2014.

190.(1) Annex 3 (Part-ADR.OR) is amended as follows.

(2) In Subpart A (ADR.OR.A)—

- (a) omit point ADR.OR.A.010;
- (b) in point ADR.OR.A.015—
 - (i) in both places it occurs, for “Agency” substitute “Director”;
 - (ii) in both places the words occur, for “Competent Authority” substitute “Director”.

(3) In Subpart B (ADR.OR.B)—

- (a) in each place the words occur, for “Competent Authority” substitute “Director”;
- (b) in point ADR.OR.B.015(b), in both places it occurs, for “Agency” substitute “Director”;
- (c) in point ADR.OR.B.050—
 - (i) in the heading, for “Agency’s” substitute “Director’s”;
 - (ii) for “Agency” substitute “Director”.

(4) In Subpart C (ADR.OR.C)—

- (a) in each place the words occur, for “Competent Authority” substitute “Director”;
- (b) in point ADR.OR.C.020(c), for “that authority” substitute “the Director”;
- (c) in point ADR.OR.C.030(a), for “State where the aerodrome is located” substitute “Minister”.

(5) In Subpart D (ADR.OR.D), in points ADR.OR.D.010(b) and ADR.OR.D.035(d)(5), for “Competent Authority” substitute “Director”;

(6) In Subpart E (ADR.OR.E)—

- (a) in point ADR.OR.E.005(e)(1)—
 - (i) for “Competent Authority” substitute “Director”;
 - (ii) for “Competent Authority’s” substitute “Director’s”;
- (b) in each remaining place the words occur, for “Competent Authority” substitute “Director”.

Amendment of Annex 4 to Commission Regulation (EU) No 139/2014.

191. In Annex 4 (Part-ADR.OPS), in points ADR.OPS.B.010(f), ADR.OPS.B.045(b) and ADR.OPS.B.090(a), for “Competent Authority” substitute “Director”.

CHAPTER 5

Amendment of Commission Implementing Regulation on list of classifying occurrences

Commission Implementing Regulation (EU) No 2015/1018 (list of classifying occurrences).

192. Commission Implementing Regulation (EU) No 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council is amended in accordance with the following regulations.

Further amendment of Commission Implementing Regulation (EU) No 2015/1018.

193. After Article 2, omit the sentence which begins “This Regulation shall be binding”.

Amendment of Annex 2 to Commission Implementing Regulation (EU) No 2015/1018

194. In Annex 2, paragraph 2 (design), in the second paragraph, for “ETSO” substitute “Gibraltar TSO”.

PART 6

Revocations, savings and transitional arrangements, and consequential amendments

Revocations.

195. The direct EU legislation listed in Schedule 1 (revocations) is revoked.

Savings and transitional arrangements.

196. Schedule 2 (savings and transitional arrangements) has effect.

SCHEDULE 1

Regulation 195

Revocations

The following Regulations are revoked –

- (a) Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Safety Agency;
- (b) Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council;
- (c) Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council;
- (d) Commission Regulation (EC) No 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system;
- (e) Commission Implementing Regulation (EU) No 646/2012 of 16 July 2012 laying down detailed rules on fines and periodic penalty payments pursuant to Regulation (EC) No 2016/2008 of the European Parliament and of the Council;
- (f) Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006;
- (g) Commission Regulation (EU) No 319/2014 of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007;
- (h) Council Regulation (EEC) No 3922/91 on the harmonization of technical requirements and administrative procedures in the field of civil aviation;
- (i) Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport

passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC;

- (j) Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations;
- (k) Commission Regulation (EU) No 1321/2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks;
- (l) Commission Regulation (EU) No 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation 965/2012;
- (m) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council;
- (n) Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council;
- (o) Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council.

SCHEDULE 2

Regulation 196

Savings and transitional arrangements

Approvals, licences and certificates.

1.(1) This paragraph applies to the following documents –

- (a) any type-certificate, supplemental type-certificate, European Technical Standards Order authorisation, or flight conditions approval issued by the European Aviation Safety Agency under Commission Regulation 748/2012; and
- (b) any related certificate of release to service issued by an appropriately approved maintenance organisation under Commission Regulation 1321/2014.

(2) Any document to which this paragraph applies, which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 4 to the European Union (Withdrawal) Act 2019, is to be treated as if it were issued by—

- (a) in the case of a document referred to in subparagraph (1)(a), the Director;
- (b) in the case of a certificate referred to in subparagraph (1)(b), a maintenance organisation approved by the Director.

2.(1) Subject to paragraph 3, any other licence, certificate or approval issued by the European Aviation Safety Agency or by the national competent authority of an EEA state which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 4 to the European Union (Withdrawal) Act 2019, is –

- (a) to continue to be in force or effective on and after exit day for the remainder of its validity period up to a maximum of 2 years (subject to any earlier suspension or cancellation by the Director); and
- (b) to be treated as if it were issued by the Director.

(2) This paragraph applies only to documents issued under Regulation (EU) No 2018/1139 and EU implementing Regulations under it.

3.(1) This paragraph applies to the following licences –

- (a) a Part-FCL licence under Commission Regulation 1178/2011;
- (b) a Part-66 licence under Commission Regulation 1321/2014;
- (c) an ATCO licence under Commission Regulation 340/2015.

(2) In relation to an application to the Director on or after exit day for a document to which this paragraph applies, the Director must give credit for training provided before exit day to the applicant by a training organisation approved by the national competent authority of an EEA state or by the European Aviation Safety Agency, in the same way as the Director would give credit for such training provided by a training organisation approved by the Director.

EU Implementing Regulations made under principal EU Regulations.

5. Where, as a result of these Regulations, any provision of retained direct EU legislation imposes an obligation on the Minister to make regulations, that obligation is to be treated as having been met in a case where, prior to exit day, the European Commission adopted a delegated act or an implementing act under that provision, or implementing rules under a corresponding provision.

Dated: 24th December 2020.

DR J GARCIA,
Minister with responsibility for Civil Aviation.

EXPLANATORY MEMORANDUM

These Regulations are made in exercise of the powers in section 11(1) and 15(1) of, and Schedule 3 to, the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies in the field of aviation safety.