

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5019 GIBRALTAR Thursday 22nd December 2022

LEGAL NOTICE NO. 340 OF 2022

EUROPEAN UNION (WITHDRAWAL) ACT 2019

AIR TRAFFIC MANAGEMENT (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2022

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

PART 1

Introduction

Title and commencement.

1. These Regulations may be cited as the Air Traffic Management (Amendment Etc.) (EU Exit) Regulations 2022 and come into operation on the day of publication.

PART 2

Amendment and revocation of retained direct principal EU legislation

CHAPTER 1

Amendment of Regulation (EC) No 549/2004

Amendment of Regulation (EC) No 549/2004: introduction.

2. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) is amended in accordance with regulations 3 to 18.

Article 1 of Regulation (EC) No 549/2004.

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

(2) In the heading, for “Objective and scope” substitute “Scope”.

(3) Omit paragraph 1.

(4) In paragraph 2—

(a) for “Member States” substitute “Gibraltar’s”;

(b) for “their” substitute “its”; and

(c) omit “of the Member States”.

(5) In paragraph 3–

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

(b) omit the second sentence.

(6) Omit paragraph 4.

Article 2 of Regulation (EC) No 549/2004.

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

(2) In point 15 (certificate) for “a national supervisory authority in any form complying with national law,” substitute “the national supervisory authority”;

(3) After point 16 insert–

“16a ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;”.

(4) In point 17 (European air traffic management network)–

(a) after “collection of” insert “relevant”;

(b) omit the words beginning with “listed” and ending with “(the interoperability Regulation)”;

(c) at the end insert–

“For these purposes relevant systems are:

(a) systems and procedures for airspace management;

(b) systems and procedures for air traffic flow management;

(c) systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human-machine interface systems;

(d) communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications;

(e) navigation systems and procedures;

(f) surveillance systems and procedures;

- (g) systems and procedures for aeronautical information services; and
 - (h) systems and procedures for the use of meteorological information;”.
- (5) In point 18 (concept of operation) for “EATMN” substitute “Gibraltar ATMS”.
- (6) In point 19 (constituents) after “of the” insert “Gibraltar ATMS with the”.
- (7) After point 27 (ICAO) insert–
- “27a ‘Gibraltar air traffic management system’ or ‘Gibraltar ATMS’ means the collection of relevant systems enabling air navigation services in Gibraltar to be provided, including the interfaces at boundaries with other countries and territories. For these purposes relevant systems are:
- (a) systems and procedures for airspace management;
 - (b) systems and procedures for air traffic flow management;
 - (c) systems and procedures for air traffic services, in particular flight data processing systems, surveillance data processing systems and human-machine interface systems;
 - (d) communications systems and procedures for ground-to-ground, air-to-ground and air-to-air communications;
 - (e) navigation systems and procedures;
 - (f) surveillance systems and procedures;
 - (g) systems and procedures for aeronautical information services; and
 - (h) systems and procedures for the use of meteorological information;”.
- (8) In point 28 (interoperability)–
- (a) for “EATMN” substitute “Gibraltar ATMS”; and
 - (b) after “efficient operation” insert “in relation to the EATMN”.
- (9) In point 32 (procedure) after “throughout” insert “the Gibraltar ATMS and in relation to”.
- (10) In point 36 (seamless operation)–
- (a) after “operation of” insert “the Gibraltar ATMS in relation to”; and

- (b) for “it functions as if it” substitute “the Gibraltar ATMS functions as if it and the EATMN”.

(11) In point 41 (cross-border services)–

- (a) for “one Member State” substitute “Gibraltar”; and
- (b) for “another” substitute “a”.

Article 3 of Regulation (EC) No 549/2004.

5.(1) Article 3 (fields for action by the Community) is amended as follows.

(2) In the heading, omit “by the Community”.

(3) In paragraph (1)–

- (a) in the words before point (a) omit “for the creation of the single European sky”;
- (b) in the words after point (c), after “adopted” insert “before exit day”;
- (c) in those words for “regulations” substitute “Regulations”; and
- (d) at the end of those words insert “as well as with the regulations made on or after exit day by the Minister with responsibility for Civil Aviation under any of the Regulations referred to in this Article.”.

Article 4 of Regulation (EC) No 549/2004.

6.(1) Article 4 (national supervisory authorities) is amended as follows.

(2) In the heading for “authorities” substitute “authority”.

(3) In paragraph 1–

- (a) for “Member States” substitute “The Minister with responsibility for Civil Aviation”;
- (b) omit “, jointly or individually,”; and
- (c) for “their” substitute “the”.

(4) In paragraph 2 for “authorities”, in both places it occurs, substitute “authority”.

(5) In paragraph 3–

- (a) for “National supervisory authorities” substitute “The national supervisory authority”;

- (b) for “their” substitute “its”;
 - (c) after “powers” insert “under this Regulation and under the measures referred to in Article 3”; and
 - (d) omit the words from “This shall be” to the end of the paragraph.
- (6) In paragraph 4—
- (a) for “Member States” substitute “The national supervisory authority”;
 - (b) for “national supervisory authorities have” substitute “it has”;
 - (c) for “them” substitute “it”; and
 - (d) after “Regulation” insert “and under the measures referred to in Article 3”.

Article 5 of Regulation (EC) No 549/2004.

7. Omit Article 5 (Committee procedure).

Article 6 of Regulation (EC) No 549/2004.

8. Omit Article 6 (industry consultation body).

Article 7 of Regulation (EC) No 549/2004.

9. Omit Article 7 (relations with European third countries).

Article 8 of Regulation (EC) No 549/2004.

10. Omit Article 8 (implementing rules).

Article 9 of Regulation (EC) No 549/2004.

11. Omit Article 9 (penalties).

Article 10 of Regulation (EC) No 549/2004.

12. Omit Article 10 (consultation of stakeholders).

Article 11 of Regulation (EC) No 549/2004.

13. Omit Article 11 (performance scheme).

Article 12 of Regulation (EC) No 549/2004.

14.(1) Article 12 (supervision, monitoring and methods of impact assessment) is amended as follows.

(2) In the heading for “Supervision, monitoring and methods of impact assessment” substitute “Review”.

(3) Omit paragraph 1.

(4) In paragraph 2–

(a) for “The Commission” substitute “The Minister with responsibility for Civil Aviation”; and

(b) omit the words beginning with “, and shall firstly” to the end of the paragraph.

(5) Omit paragraph 3.

(6) In paragraph 4–

(a) for “The reports shall contain” substitute “The review must include”;

(b) after “Regulation” insert “and to the measures referred to in Article 3”; and

(c) omit “, in the light of the original objectives”.

Article 13 of Regulation (EC) No 549/2004.

15.(1) Article 13 (safeguards) is amended as follows.

(2) In the first paragraph–

(a) after “Regulation” insert “and the measures referred to in Article 3”; and

(b) omit “by a Member State”.

(3) In the first indent for “its responsibility” substitute “the responsibility of Gibraltar”.

(4) In the fourth indent for “a Member State’s” substitute “Gibraltar’s”.

Article 13a of Regulation (EC) No 549/2004.

16. Omit Article 13a (European Aviation Safety Agency).

Article 14 of Regulation (EC) No 549/2004.

17. Omit Article 14 (entry into force).

Further amendment of Regulation (EC) No 549/2004.

18. After Article 14 omit the sentence which begins “This Regulation shall be binding”.

CHAPTER 2

Amendment of Regulation (EC) No 550/2004

Regulation (EC) No 550/2004: introduction.

19. Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) is amended in accordance with regulations 20 to 44.

Article 1 of Regulation (EC) No 550/2004.

20. In Article 1 (Scope and objective), in paragraph 1–

- (a) for “in the single European sky” substitute “which form part of the Gibraltar ATMS”; and
- (b) or “the Community” substitute “the airspace under the responsibility of Gibraltar”.

Article 2 of Regulation (EC) N0 550/2004.

21.(1) Article 2 (tasks of the national supervisory authorities) is amended as follows.

- (2) In the heading for “authorities” substitute “authority”.
- (3) In paragraph 1–
 - (a) for “authorities” substitute “authority”; and
 - (b) for the words from “Member” to the end of the paragraph substitute “Gibraltar”.
- (4) In paragraph 2 for “each” substitute “the”.
- (5) Omit paragraphs 3 to 6.

Article 3 of Regulation (EC) No 550/2004.

22.(1) Article 3 (qualified entities) is amended as follows.

- (2) In paragraph 1 for “National supervisory authorities” substitute “The national supervisory authority”.
- (3) In paragraph 2–

- (a) for “a national” substitute “the national”;
- (b) omit “within the Community”; and
- (c) omit the second sentence.

Article 4 of Regulation (EC) No 550/2004.

23. Omit Article 4 (safety requirements).

Article 6 of Regulation (EC) No 550/2004.

24.(1) Article 6 (common requirements) is amended as follows.

(2) The single paragraph becomes paragraph 1.

(3) In that paragraph, for the first sentence substitute “The Minister with responsibility for Civil Aviation may by regulations prescribe common requirements for the provision of air navigation services in the airspace under the responsibility of Gibraltar.”.

(4) After that paragraph insert–

“2. Regulations under paragraph 1–

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

Article 7 of Regulation (EC) No 550/2004.

25.(1) Article 7 (certification of air navigation service providers) is amended as follows.

(2) In paragraph 1–

- (a) for “within the Community” substitute “in the airspace under the responsibility of Gibraltar”; and
- (b) for “Member States” substitute “the national supervisory authority”.

(3) In paragraph 2 omit the words from “of the” to the end of the paragraph.

(4) In paragraph 3 for “National supervisory authorities” substitute “The national supervisory authority”.

(5) In paragraph 5–

- (a) for “Member States” substitute “the national supervisory authority”;
 - (b) for “their responsibility” substitute “the responsibility of Gibraltar”; and
 - (c) omit the second sentence.
- (6) Omit paragraph 6.
- (7) In paragraph 7–
- (a) for “National supervisory authorities” substitute “The national supervisory authority”;
 - (b) omit the second sentence; and
 - (c) for “a national” substitute “the national”.
- (8) For paragraph 8 substitute–
- “8. Any certificate issued before exit day in a Member State in accordance with Article 7 of Regulation (EC) No 550/2004 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 national supervisory authority); and
 - (b) for the purposes of this Regulation and the other measures referred to in Article 3 of the framework Regulation, to be treated as if it was issued by the national supervisory authority in accordance with this Article.”.
- (9) Omit paragraph 9.

Article 8 of Regulation (EC) No 550/2004.

26.(1) Article 8 (designation of air traffic service providers) is amended as follows.

- (2) In paragraph 1–
- (a) for “Member States”, in the first place those words occur, substitute “The national supervisory authority”;
 - (b) for “their responsibility” substitute “the responsibility of Gibraltar”;
 - (c) for “Member States”, in the second place those words occur, substitute “the national supervisory authority”; and

- (d) for “in the Community” substitute “issued in accordance with Article 7”.
- (3) Omit paragraph 2.
- (4) In paragraph 3–
 - (a) for “Member States” substitute “The national supervisory authority”; and
 - (b) for “their responsibility” substitute “the responsibility of Gibraltar”.
- (5) In paragraph 4 for “Member States” substitute “The national supervisory authority”.
- (6) Omit paragraphs 5 and 6.

Article 9 of Regulation (EC) No 550/2004.

27.(1) Article 9 (designation of providers of meteorological services) is amended as follows.

- (2) In paragraph 1–
 - (a) for “Member States” substitute “The national supervisory authority”; and
 - (b) for “their responsibility” substitute “the responsibility of Gibraltar”.
- (3) Omit paragraph 2.

Article 9a of Regulation (EC) No 550/2004.

28. Omit Article 9a (functional airspace blocks).

Article 9b of Regulation (EC) No 550/2004.

29. Omit Article 9b (functional airspace blocks system coordinator).

Article 10 of Regulation (EC) No 550/2004.

30.(1) Article 10 (relations between service providers) is amended as follows.

- (2) In paragraph 1 for “in the Community” substitute “in accordance with Article 7”.
- (3) In paragraph 2 omit “or authorities concerned”.
- (4) In paragraph 3–
 - (a) for “Member States concerned”, in both places those words occur, substitute “the national supervisory authority”; and

(b) for “they have” substitute “it has”.

Article 11 of Regulation (EC) No 550/2004.

31. Omit Article 11 (relations with military authorities).

Article 12 of Regulation (EC) No 550/2004.

32.(1) Article 12 (transparency of accounts) is amended as follows.

(2) In paragraph 1 for “the international accounting standards adopted by the Community” substitute “international accounting standards within the meaning of Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (see Article 2 of that Regulation)”.

(3) In paragraph 3 omit the words beginning with “, broken down” and ending with “Article 14”.

(4) In paragraph 4–

(a) for “Member States shall designate the competent authorities that” substitute “The national supervisory authority”; and

(b) for “their responsibility” substitute “the responsibility of Gibraltar”.

(5) Omit paragraph 5.

Article 13 of Regulation (EC) No 550/2004.

33. In Article 13 (access to and protection of data), in paragraph 3–

(a) for “National supervisory authorities” substitute “The national supervisory authority”; and

(b) omit the third sentence.

Article 14 of Regulation (EC) No 550/2004.

34. Omit Article 14 (charging schemes: general).

Article 15 of Regulation (EC) No 550/2004.

35. Omit Article 15 (charging schemes: principles).

Article 15a of Regulation (EC) No 550/2004.

36. For Article 15a (common projects) substitute–

“Article 15a

Common projects

1. The Minister with responsibility for Civil Aviation may by regulations make provision imposing on any person a requirement derived from a common project within the meaning of Article 15a of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky, as that Regulation has effect in EU law as amended from time to time.

2. Regulations under paragraph 1–

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

Article 16 of Regulation (EC) No 550/2004.

37. Omit Article 16 (review of compliance).

Article 17 of Regulation (EC) No 550/2004.

38. For Article 17 (revision of annexes) substitute–

“Article 17

Revision of Annexes

1. The Minister with responsibility for Civil Aviation may by regulations amend Annex 1 or 2.

2. Regulations under paragraph 1 –

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

Article 18 of Regulation (EC) No 550/2004.

39.(1) Article 18 (confidentiality) is amended as follows.

(2) In paragraph 1–

(a) for “authorities, acting in accordance with their national legislation” substitute “authority”; and

(b) for “Commission” substitute “Minister with responsibility for Civil Aviation”.

(3) In paragraph 2–

(a) for “national supervisory authorities” substitute “the national supervisory authority”; and

(b) for “Commission” substitute “Minister with responsibility for Civil Aviation”.

(4) Omit paragraph 3.

Article 18a of Regulation (EC) No 550/2004.

40. Omit Article 18a (review).

Article 19 of Regulation (EC) No 550/2004.

41. Omit Article 19 (entry into force).

Further amendment of Regulation (EC) No 550/2004.

42. After Article 19 omit the sentence which begins “This Regulation shall be binding”.

Annex 1 to Regulation (EC) No 550/2004.

43. In Annex 1 (requirements for qualified entities)–

(a) in the sixth indent omit “concerned”; and

(b) in the ninth indent omit the words from “recognised” to the end.

Annex 2 to Regulation (EC) No 550/2004.

44. In Annex 2 (conditions to be attached to certificates) omit point 1(a).

CHAPTER 3

Amendment of Regulation (EC) No 551/2004

Regulation (EC) No 551/2004: introduction.

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

Article 1 of Regulation (EC) No 551/2004.

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

(2) In paragraph 1–

(a) for “in the Single European Sky” substitute “under the responsibility of Gibraltar”;
and

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

(3) In paragraph 3–

(a) for “and AFI regions where Member States are” substitute “region where Gibraltar is”; and

(b) omit the second sentence.

(4) Omit paragraph 4.

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

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

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

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

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

(3) In paragraph 2–

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

(b) in point (a) for “ensure the development of a Community wide” substitute “contribute to the development of an”; and

(c) in point (b) for “close cooperation” substitute “consultation”.

(4) Omit paragraph 3.

Article 4 of Regulation (EC) No 551/2004.

49.(1) Article 4 (rules of the air and airspace classification) is amended as follows.

(2) The unnumbered paragraph becomes paragraph 1.

(3) In that paragraph, for the words before point (a) substitute “1. The Minister with responsibility for Civil Aviation may by regulations make provision to:”

(4) In point (b) omit the words from “, in order” to the end.

(5) At the end insert–

“2. Regulations under paragraph 1–

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

Article 6 of Regulation (EC) No 551/2004.

50.(1) Article 6 (network management and design) is amended as follows.

(2) For paragraphs 1 to 5 substitute–

“1. The Minister with responsibility for Civil Aviation may by regulations make provision imposing requirements on any person in connection with the exercise by any person of the air traffic management (ATM) network functions.

2. The air traffic management (ATM) network functions are–

- (a) the functions described in Article 6(2) of Regulation (EC) No 551/2004, as that regulation has effect in EU law as amended from time to time;
- (b) additional functions added to that list in accordance with Article 6(3) of that Regulation as it has effect in EU law as amended from time to time; and
- (c) functions under implementing rules adopted under Article 6(4) of that Regulation as it has, and as those rules have, effect in EU law as amended from time to time.”.

(3) In paragraph 6 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

(4) In paragraph 7–

- (a) for “Implementing rules for” substitute “The Minister with responsibility for Civil Aviation may by regulations made by statutory instrument make provision about”;

(b) omit the words beginning with “shall be developed” and ending with “Article 5(3) of the framework Regulation,”; and

(c) for “These rules” substitute “Regulations under this paragraph”.

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

(6) In paragraph 9 for “the implementing rules the Commission” substitute “regulations under paragraph 7 the Minister with responsibility for Civil Aviation”.

(7) At the end insert—

“10. Regulations under paragraph 1 or 7—

(a) may make different provision for different purposes;

(b) may make transitional, transitory or saving provision;

(c) may make consequential, incidental or supplementary provision.”.

Article 7 of Regulation (EC) No 551/2004.

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

(2) In paragraph 1—

(a) omit the words “Taking into account the organisation of military aspects under their responsibility,”;

(b) for “Member States” substitute “the persons mentioned in paragraph 1A”;

(c) for “Single European Sky” substitute “Gibraltar ATMS”; and

(d) omit “in the context of the common transport policy”.

(3) After that paragraph insert—

“1A. Those persons are:

(a) any air navigation service provider;

(b) the national supervisory authority; and

(c) the Minister with responsibility for Civil Aviation.”.

(4) In paragraph 2—

- (a) for “Member States” substitute “The national supervisory authority”;
- (b) for “Commission” substitute “Minister with responsibility for Civil Aviation”;
- (c) omit “, in the context of the common transport policy,”; and
- (d) for “their responsibility” substitute “the responsibility of Gibraltar”.

(5) For paragraph 3 substitute–

“3. The Minister with responsibility for Civil Aviation may by regulations make provision about the flexible use of airspace.

4. When making regulations under paragraph 3 the Minister with responsibility for Civil Aviation must have regard to the reports mentioned in paragraph 2.

5. Regulations under paragraph 3–

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

Article 8 of Regulation (EC) No 551/2004.

52. For Article 8 (temporary suspension) substitute–

“Article 8

Disapplication of Article 7

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

Article 10 of Regulation (EC) No 551/2004.

53. Omit Article 10 (review).

Article 10 of Regulation (EC) No 551/2004.

54. Omit Article 11 (entry into force).

Further amendment of Regulation (EC) No 551/2004.

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

CHAPTER 4

Amendment of Regulation (EC) No 552/2004

Regulation (EC) No 552/2004: introduction.

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

Article 4 of Regulation (EC) No 552/2004.

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

(2) In paragraph 1–

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

(3) Omit paragraphs 3 and 4.

(4) In paragraph 5–

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

(5) After paragraph (5) insert–

“5A. As soon as possible after making a direction under paragraph 5 the Minister with responsibility for Civil Aviation must publish the direction in a way that the Minister with responsibility for Civil Aviation considers is likely to bring it to the attention of persons likely to be interested in it.”.

(6) Omit paragraphs 6 and 7.

Article 5 of Regulation (EC) No 552/2004.

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

- (2) In the heading for “EC declaration” substitute “Declaration”.
- (3) In paragraph 1 for “an EC” substitute “a”.
- (4) In paragraph 2 omit “established in the Community” and “EC”.
- (5) In paragraph 3 omit “EC”.
- (6) After paragraph 3 insert–

“3A. Paragraph 3B applies in relation to an EC declaration of conformity or suitability for use made before exit day in accordance with Article 5 of Regulation (EC) No 552/2004 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.

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

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

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

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

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

“2A. Paragraph 2B applies in relation to an EC declaration of verification submitted to the national supervisory authority of a Member State before exit day in accordance with Article 6 of Regulation (EC) No 552/2004 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.

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

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

(7) In paragraph 4 omit “EC”.

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

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

Article 7 of Regulation (EC) No 552/2004.

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

(2) In paragraph 1–

(a) in sub-paragraph (a) for “an EC” substitute “a”; and

(b) in sub-paragraph (b) omit “EC”.

(3) Omit paragraphs 2 to 6.

Annex 3 to Regulation (EC) No 552/2004.

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

(2) Omit “EC” in each place it occurs.

(3) For “declaration”, in the first place it occurs, substitute “Declaration”.

(4) In point 1–

(a) for “will be” substitute “are”; and

(b) omit “in accordance with the provisions of Article 3 of this Regulation”.

(5) In point 2–

(a) for “notified” substitute “appointed”; and

(b) for “93/465/EC” substitute “768/2008/EC”.

- (6) In point 3–
 - (a) in the second indent–
 - (i) after “manufacturer or” insert “, if the manufacturer is not established in Gibraltar,”; and
 - (ii) for “the Community” substitute “Gibraltar”;
 - (b) in the sixth indent for “notified” substitute “appointed”; and
 - (c) in the eighth indent–
 - (i) after “manufacturer or” insert “, if the manufacturer is not established in Gibraltar,”; and
 - (ii) for “the Community” substitute “Gibraltar”.

Annex 4 to Regulation (EC) No 552/2004.

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

- (2) Omit “EC” in each place it occurs.
- (3) For “declaration”, in the first place it occurs, substitute “Declaration”.
- (4) In point 1, in the fifth indent for “notified” substitute “appointed”.
- (5) In point 2–
 - (a) for “a notified” substitute “an appointed”; and
 - (b) for “the notified” substitute “the appointed”.
- (6) In point 3–
 - (a) in the second indent for “as referred to in Article 3 of this Regulation” substitute “identified in the relevant implementing rules for interoperability”;
 - (b) in the third indent for “notified” substitute “appointed”; and
 - (c) in each of the fourth and fifth indents for “a notified” substitute “an appointed”.
- (7) In point 4 omit the last sentence.

CHAPTER 5

Revocation of Council Regulation (EC) No 219/2007

Council Regulation (EC) No 219/2007.

64. Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) is revoked.

CHAPTER 6

Revocation of Commission Regulation (EC) No 482/2008

Commission Regulation (EC) No 482/2008.

65. Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005 is revoked.

CHAPTER 7

Revocation of Council Regulation (EC) No 1361/2008

Council Regulation (EC) No 1361/2008.

66. Council Regulation (EC) No 1361/2008 of 16 December 2008 amending Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) is revoked.

CHAPTER 8

Amendment of Regulation (EC) No 1070/2009

Regulation (EC) No 1070/2009: introduction.

67. Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system is amended in accordance with regulations 68 to 73.

Article 1 of Regulation (EC) No 1070/2009.

68. In Article 1 omit–

- (a) paragraph 4 (which substitutes a new Article 5(4) for Article 5(4) of Regulation (EC) No 549/2004);
- (b) paragraph 5 (which substitutes new Articles 6 to 11 for Articles 6 to 11 of that Regulation); and

(c) paragraph 7 (which inserts Article 13a of that Regulation).

Article 2 of Regulation (EC) No 1070/2009.

69. In Article 2 omit—

- (a) paragraph 5 (which inserts Articles 9a and 9b into Regulation (EC) No 550/2004);
- (b) paragraph 6 (which substitutes a new Article 11 for Article 11 of that Regulation);
- (c) paragraph 8 (which substitutes a new Article 14 for Article 14 of that Regulation);
- (d) paragraph 9 (which substitutes a new Article 15 for Article 15 of that Regulation);
and
- (e) paragraph 12 (which inserts Article 18a into that Regulation).

Article 3 of Regulation (EC) No 1070/2009.

70. In Article 3 omit paragraph 2 (which substitutes a new Article 3 for Article 3 of Regulation (EC) No 551/2004).

Article 4 of Regulation (EC) No 1070/2009.

71. In Article 4 omit—

- (a) paragraph 2 (which substitutes a new Article 9 for Article 9 of Regulation (EC) No 552/2004);
- (b) paragraph 3 (which inserts a new paragraph 2a of Article 10 of that Regulation);
and
- (c) paragraph 4 (which amends Annex 2 to that Regulation).

Article 4 of Regulation (EC) No 1070/2009.

72. Omit Article 5 (entry into force).

Further amendment of Regulation (EC) No 1070/2009.

73. After Article 5 omit the sentence which begins “This Regulation shall be binding”.

CHAPTER 9

Revocation of Council Regulation (EU) No 721/2014

Council Regulation (EU) No 721/2014.

74. Council Regulation (EU) No 721/2014 of 16 June 2014 amending Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) as regards the extension of the Joint Undertaking until 2024 is revoked.

PART 3

Amendment and revocation of retained direct minor EU legislation

CHAPTER 1

Revocation of Commission Regulation (EC) No 2150/2005

Regulation (EC) No 2150/2005.

75. Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace is revoked.

CHAPTER 2

Amendment of Commission Regulation (EC) No 1032/2006

Commission Regulation (EC) No 1032/2006: introduction.

76. Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units is amended in accordance with regulations 77 to 86.

Article 3 of Commission Regulation (EC) No 1032/2006.

77.(1) Article 3 (interoperability and performance requirements) is amended as follows.

(2) In paragraph 4 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

(3) In paragraph 5 for “Member States” substitute “the Minister with responsibility for Civil Aviation”.

Article 4 of Commission Regulation (EC) No 1032/2006.

78. In Article 4 (quality of service requirements), in paragraph 2 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

Article 6 of Commission Regulation (EC) No 1032/2006.

79. In Article 6 (safety requirements), in the first unnumbered paragraph for “Member States” substitute “The Director of Civil Aviation”.

Article 7 of Commission Regulation (EC) No 1032/2006.

80. In Article 7 (conformity or suitability for use of constituents) for “an EC” substitute “a”.

Article 8 of Commission Regulation (EC) No 1032/2006.

81.(1) Article 8 (verification of systems) is amended as follows.

(2) In paragraph 2 for “a notified” substitute “an appointed”.

(3) In paragraph 3 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

Article 9 of Commission Regulation (EC) No 1032/2006.

82. Omit Article 9 (compliance).

Article 10 of Commission Regulation (EC) No 1032/2006.

83. Omit Article 10 (transitional arrangements).

Article 11 of Commission Regulation (EC) No 1032/2006.

84. Omit Article 11 (entry into force).

Further amendment of Commission Regulation (EC) No 1032/2006.

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

Annex 4 to Commission Regulation (EC) No 1032/2006.

86.(1) Annex 4 is amended as follows.

(2) In Part A (requirements for the assessment of the conformity or suitability for use of constituents referred to in Article 7), in point 4 omit “EC”.

(3) In Part B (requirements for the verification of systems referred to in Article 8(1)), in point 7–

(a) omit “EC”; and

(b) for “national supervisory authority” substitute “Director of Civil Aviation”.

(4) In Part C (requirements for the verification of systems referred to in Article 8(2))–

(a) in point 5 for “a notified” substitute “an appointed”;

- (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
- (c) in point 9–
 - (i) omit “EC”; and
 - (ii) for “national supervisory authority” substitute “Director of Civil Aviation”.

CHAPTER 3

Amendment of Commission Regulation (EC) No 1033/2006

Commission Regulation (EC) No 1033/2006: introduction.

87. Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky is amended in accordance with regulations 88 to 93.

Article 2 of Commission Regulation (EC) No 1033/2006.

88. In Article 2 (definitions), in paragraph 2–

- (a) in point 6–
 - (i) omit “within the European Air Traffic Management Network”; and
 - (ii) for “covered by this Regulation” substitute “under the responsibility of the States participating in that service”;
- (b) in point 16 for “.” substitute “;”;
- (c) after point 16 insert–

“17. ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009.”.

Article 3 of Commission Regulation (EC) No 1033/2006.

89. In Article 3 (interoperability and performance requirements), in each of paragraphs 2, 3 and 8 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

Article 4 of Commission Regulation (EC) No 1033/2006.

90. In Article 4 (safety requirements) for “Member States” substitute “The Director”.

Article 5 of Commission Regulation (EC) No 1033/2006.

91.(1) Article 5 (additional requirements) is amended as follows.

(2) In each of paragraphs 2 and 4 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

(3) Omit paragraph 5.

Article 6 of Commission Regulation (EC) No 1033/2006.

92. Omit Article 6 (entry into force and application).

Further amendment of Commission Regulation (EC) No 1033/2006.

93. After Article 6 omit the sentence which begins “This Regulation shall be binding”.

CHAPTER 4

Amendment of Commission Regulation (EC) No 633/2007

Commission Regulation (EC) No 633/2007: introduction.

94. Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units is amended in accordance with regulations 95 to 103.

Article 3 of Commission Regulation (EC) No 633/2007.

95. In Article 3 (application of the flight message transfer protocol), in paragraph 2 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

Article 4 of Commission Regulation (EC) No 633/2007.

96. In Article 4 (conformity assessment of constituents) for “an EC” substitute “a”.

Article 5 of Commission Regulation (EC) No 633/2007.

97.(1) Article 5 (verification of systems) is amended as follows.

(2) In paragraph 2 for “a notified” substitute “an appointed”.

(3) In paragraph 3 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

Article 6 of Commission Regulation (EC) No 633/2007.

98. Omit Article 6 (compliance).

Article 7 of Commission Regulation (EC) No 633/2007.

99. Omit Article 7 (transitional arrangements).

Article 8 of Commission Regulation (EC) No 633/2007.

100. Omit Article 8 (entry into force and application).

Further amendment of Commission Regulation (EC) No 633/2007.

101. After Article 8 omit the sentence which begins “This Regulation shall be binding”.

Annex 2 to Commission Regulation (EC) No 633/2007.

102. In Annex 2 (requirements for the assessment of conformity of constituents carried out under Article 4), in point 4 omit “EC” in the first place it occurs.

Annex 4 to Commission Regulation (EC) No 633/2007.

103.(1) Annex 4 is amended as follows.

(2) In Part A (requirements for the verification of systems carried out under Article 5(1)), in point 7–

- (a) omit “EC” in the first place it occurs; and
- (b) for “national supervisory authority” substitute “Director of Civil Aviation”.

(3) In Part B (requirements for the verification of systems carried out under Article 5(2))–

- (a) in point 5 for “a notified” substitute “an appointed”;
- (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
- (c) in point 9–
 - (i) omit “EC” in the first place it occurs; and
 - (ii) for “national supervisory authority” substitute “Director of Civil Aviation”.

CHAPTER 5

Revocation of Commission Regulation (EC) No 29/2009

Commission Regulation (EC) No 29/2009.

104. Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the single European sky is revoked.

CHAPTER 6

Amendment of Commission Regulation (EC) No 262/2009

Commission Regulation (EC) No 262/2009: introduction.

105. Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky is amended in accordance with regulations 106 to 119.

Article 2 of Commission Regulation (EC) No 262/2009.

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

(2) In point 11–

(a) omit “within the European Air Traffic Management Network”; and

(b) for “Member States” substitute “States participating in that service”.

(3) In point 13 for “Member States” substitute “States participating in that service”.

(4) In point 19(a) for “Regulation (EC) No 2096/2005” substitute “Implementing Regulation (EU) No 1035/2011, as that Regulation has effect in EU law as amended from time to time”.

(5) In point 24 for “.” substitute “;”.

(6) After point 24 insert–

“25. “third country” means a country or territory other than:

(a) Gibraltar;

(b) the United Kingdom; or

(b) a Member State.”;

26. ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;

27. ‘the CAA’ means the Civil Aviation Authority of the United Kingdom. ”.

Article 4 of Commission Regulation (EC) No 262/2009.

107.(1) Article 4 (associated procedures for Mode S operators) is amended as follows.

- (2) In paragraph 1 after “from” insert “the Director, the CAA or”.
- (3) In paragraph 2–
- (a) for “competent Member State” substitute “Director”; and
 - (b) at the end insert –
 - “, unless –
 - (a) a Member State is the competent Member State in relation to the operator; or
 - (b) the CAA is the competent authority in relation to the operator.”.
- (4) In paragraph 4–
- (a) after “operators” insert “that have received an interrogator code allocation from the Director”; and
 - (b) for “competent Member State” substitute “Director”.

Article 5 of Commission Regulation (EC) No 262/2009.

108.(1) Article 5 (associated procedures for Member States) is amended as follows.

- (2) In the heading for “Member States” substitute “the Director”.
- (3) In paragraph 1 for “Member States” substitute “The Director”.
- (4) In paragraph 2–
- (a) in the words before point (a) for “Member States” substitute “The Director”;
 - (b) in point (c)(ii) for “Member States” substitute “Director if Gibraltar is”; and
 - (c) in point (c)(iv)–
 - (i) for “Member States” substitute “the Director”; and
 - (ii) omit “national”.
- (5) Omit paragraphs 3 and 4.
- (6) In paragraph 5–
- (a) for “Member States referred to in paragraph 3” substitute “The Director”;

(b) for “their” substitute “Gibraltar’s”; and

(c) for “other Member States” substitute “Member States and the CAA”.

(7) In paragraph 6 for “Member States referred to in paragraph 3” substitute “The Director”.

(8) In paragraph 7–

(a) for “Member States” substitute “The Director”; and

(b) for “other Member States” substitute “Member States and the CAA”.

(9) In paragraph 8–

(a) for “a Member State” substitute “Gibraltar”; and

(b) for “the Member State concerned” substitute “the Director”.

Article 7 of Commission Regulation (EC) No 262/2009.

109. In Article 7 (contingency requirements), in paragraph 3 for “competent Member State” substitute “Director”.

Article 8 of Commission Regulation (EC) No 262/2009.

110. Omit Article 8 (civil-military coordination).

Article 9 of Commission Regulation (EC) No 262/2009.

111. In Article 9 (safety requirements), in paragraph 2 for “Member States” substitute “The Director”.

Article 10 of Commission Regulation (EC) No 262/2009.

112. In Article 10 (conformity assessment)–

(a) for “an EC” substitute “a”;

(b) after “, or” insert “if the manufacturer is not established in Gibraltar”; and

(c) for “the Community” substitute “Gibraltar”.

Article 11 of Commission Regulation (EC) No 262/2009.

113. In Article 11 (verification of systems), in paragraph 2 for “a notified” substitute “an appointed”.

Article 12 of Commission Regulation (EC) No 262/2009.

114. In Article 12 (additional requirements), in each of paragraphs 3 and 4 for “Member States” substitute “The Director”.

Article 13 of Commission Regulation (EC) No 262/2009.

115. Omit Article 13 (entry into force and application).

Further amendment of Commission Regulation (EC) No 262/2009.

116. After Article 13 omit the sentence which begins “This Regulation shall be binding”.

Annex 2 to Commission Regulation (EC) No 262/2009.

117.(1) Annex 2 is amended as follows.

(2) In Part A (requirements concerning the application for interrogator codes referred to in Articles 4(2), 5(1) and 5(2))–

- (a) in point (a) for “competent Member State” substitute “Director”; and
- (b) omit point (b).

(3) In Part B (requirements concerning the allocation of interrogator codes referred to in Articles 2(10), 4(3) and 4(4)), in point (a) for “competent Member State” substitute “Director”.

Annex 4 to Commission Regulation (EC) No 262/2009.

118.(1) Annex 4 is amended as follows.

(2) In Part A (requirements for the assessment of the conformity or suitability for use of constituents of the systems referred to in Article 10), in point 2–

- (a) after “manufacturer, or” insert “if the manufacturer is not established in Gibraltar”; and
- (b) for “the Community” substitute “Gibraltar”.

(3) In Part B (internal production control module)–

- (a) in point 1–
 - (i) after “manufacturer or”, in both places those words occur, insert “, if the manufacturer is not established in Gibraltar”; and
 - (ii) for “the Community”, in both places it occurs, substitute “Gibraltar”;

- (b) in point 2–
 - (i) for “he or his” substitute “the manufacturer, or if the manufacturer is not established in Gibraltar the manufacturer’s”;
 - (ii) for “the Community”, in both places it occurs, substitute “Gibraltar”;
 - (iii) for “relevant national supervisory authorities” substitute “Director”;
 - (iv) after “The manufacturer or” insert “, if the manufacturer is not established in Gibraltar”; and
 - (v) for “Member States” substitute “Director”; and
- (c) in point 3–
 - (i) for “within the Community” substitute “within Gibraltar”; and
 - (ii) for “Community market” substitute “Gibraltar market”;
 - (ii) for “Member States” substitute “Director”.

Annex 6 to Commission Regulation (EC) No 262/2009.

119.(1) Annex 6 is amended as follows.

(2) In Part A (requirements for the verification of systems referred to in Article 11(1)), in point 7–

- (a) omit “EC” in the first place it occurs; and
- (b) for “national supervisory authority” substitute “Director”.

(3) In Part B (requirements for the verification of systems referred to in Article 11(2))–

- (a) in point 5 for “a notified” substitute “an appointed”;
- (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
- (c) in point 9–
 - (i) omit “EC” in the first place it occurs; and
 - (ii) for “national supervisory authority” substitute “Director”.

CHAPTER 7

Amendment of Commission Regulation (EU) No 73/2010

Commission Regulation (EU) No 73/2010: introduction.

120. Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky is amended in accordance with regulations 121 to 135.

Article 2 of Commission Regulation (EU) No 73/2010.

121. In Article 2 (scope), in paragraph 1–

- (a) for “European air traffic management network (EATMN)” substitute “the Gibraltar air traffic management system (Gibraltar ATMS)”; and
- (b) in each of points (a) to (d) for “Member States” substitute “the Minister with responsibility for Civil Aviation”.

Article 5 of Commission Regulation (EU) No 73/2010.

122.(1) Article 5 (data exchange) is amended as follows.

(2) In paragraph 3 for “Member States” substitute “The Minister with responsibility for Civil Aviation”.

(3) In paragraph 4 for “a Member State” substitute “the Minister with responsibility for Civil Aviation”.

Article 6 of Commission Regulation (EU) No 73/2010.

123. In Article 6 (data quality), in paragraph 1 for “Member States” substitute “The Director of Civil Aviation”.

Article 7 of Commission Regulation (EU) No 73/2010.

124.(1) Article 7 (consistency, timeliness and personnel performance) is amended as follows.

(2) In paragraph 1–

- (a) for “more than one Member State” substitute “Gibraltar and one or more Member States”; and
- (b) for “those AIPs” substitute “the AIP of Gibraltar”.

(3) In paragraph 2 for “their Member State” substitute “Gibraltar”.

Article 11 of Commission Regulation (EU) No 73/2010.

125. In Article 11 (conformity or suitability for use of constituents)–

- (a) omit “EC” in the first place it occurs;
- (b) after “, or” insert “if the manufacturer is not established in Gibraltar”; and
- (c) for “the Union” substitute “Gibraltar”.

Article 12 of Commission Regulation (EU) No 73/2010.

126. In Article 12 (verification of systems), in paragraph 2 for “a notified” substitute “an appointed”.

Article 14 of Commission Regulation (EU) No 73/2010.

127. Omit Article 14 (transitional provisions).

Article 15 of Commission Regulation (EU) No 73/2010.

128. Omit Article 15 (entry into force and application).

Further amendment of Commission Regulation (EU) No 73/2010.

129. After Article 15 omit the sentence which begins “This Regulation shall be binding”.

Annex 1 to Commission Regulation (EU) No 73/2010.

130. In Annex 1 (data set specifications referred to in Article 4), in Part A (IAIP, aerodrome mapping and electronic obstacle data), in point 2 for “national supervisory authority” substitute “Director”.

Annex 2 to Commission Regulation (EU) No 73/2010.

131.(1) Annex 2 (aeronautical data exchange format requirements referred to in Article 5) is amended as follows.

(2) In Part A (IAIP, aerodrome mapping and electronic obstacle data), in point 2 for “national supervisory authority” substitute “Director”.

(3) In Part B (electronic terrain data), in point 2 for “national supervisory authority” substitute “Director”.

Annex 7 to Commission Regulation (EU) No 73/2010.

132.(1) Annex 7 (quality, safety and security management requirements referred to in Article 10) is amended as follows.

(2) In Part A (quality management system), in point 2 for “national supervisory authority” substitute “Director”.

(3) In Part C (security management objectives), in point 2 for “national supervisory authority” substitute “Director”.

Annex 8 to Commission Regulation (EU) No 73/2010.

133.(1) Annex 8 (requirements for the assessment of conformity or suitability for use of constituents referred to in Article 11) is amended as follows.

(2) In point 2–

(a) after “manufacturer, or” insert “if the manufacturer is not established in Gibraltar”;
and

(b) for “the Union” substitute “Gibraltar”.

(3) In point 3–

(a) after “manufacturer, or” insert “if the manufacturer is not established in Gibraltar”;
and

(b) for “the Union” substitute “Gibraltar”.

(4) In point 4–

(a) after “manufacturer, or” insert “if the manufacturer is not established in Gibraltar”;

(b) for “the Union” substitute “Gibraltar”; and

(c) omit “EC” in the first place it occurs.

Annex 10 to Commission Regulation (EU) No 73/2010.

134.(1) Annex 10 is amended as follows.

(2) In Part A (requirements for the verification of systems referred to in Article 12(1)), in point 7–

(a) omit “EC” in the first place it occurs; and

(b) for “national supervisory authority” substitute “Director”.

(3) In Part B (requirements for the verification of systems referred to in Article 12(2))–

(a) in point 5 for “a notified” substitute “an appointed”;

(b) in each of points 6 to 8 for “notified” substitute “appointed”; and

(c) in point 9–

(i) omit “EC” in the first place it occurs; and

(ii) for “national supervisory authority” substitute “Director”.

Annex 11 to Commission Regulation (EU) No 73/2010.

135. Omit Annex 11 (ICAO differences referred to in Article 14).

CHAPTER 8

Revocation of Commission Regulation (EU) No 255/2010

Regulation (EU) No 255/2010.

136. Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management is revoked.

CHAPTER 9

Revocation of Commission Regulation (EU) No 176/2011

Regulation (EU) No 176/2011.

137. Commission Regulation (EU) No 176/2011 of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block is revoked.

CHAPTER 10

Revocation of Commission Regulation (EU) No 283/2011

Commission Regulation (EU) No 283/2011.

138. Commission Regulation (EU) No 283/2011 of 22 March 2011 amending Regulation (EC) No 633/2007 as regards the transitional arrangements referred to in Article 7 is revoked.

CHAPTER 11

Revocation of Commission Regulation (EU) No 677/2011

Commission Regulation (EU) No 677/2011.

139. Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010 is revoked.

CHAPTER 12

Revocation of Commission Implementing Regulation (EU) No 1034/2011

Commission Implementing Regulation (EU) No 1034/2011.

140. Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 is revoked.

CHAPTER 13

Revocation of Commission Implementing Regulation (EU) No 1035/2011

Commission Implementing Regulation (EU) No 1035/2011.

141. Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 is revoked.

CHAPTER 14

Amendment of Commission Implementing Regulation (EU) No 1206/2011

Commission Implementing Regulation (EU) No 1206/2011: introduction.

142. Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky is amended in accordance with regulations 143 to 158.

Article 1 of Commission Implementing Regulation (EU) No 1206/2011.

143. In Article 1 (subject matter) “EATMN” substitute “Gibraltar ATMS”.

Article 3 of Commission Implementing Regulation (EU) No 1206/2011.

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

(2) In point 10–

- (a) after “SSR codes to” insert “Gibraltar,”; and
- (b) after “agreed by” insert “Gibraltar and”.

(3) In point 12–

- (a) omit “within the European Air Traffic Management Network”; and
- (b) for “covered by this Regulation” substitute “under the responsibility of the States participating in that service”.

Article 4 of Commission Implementing Regulation (EU) No 1206/2011.

145.(1) Article 4 (performance requirements) is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 6–

- (a) in the words before point (a) for “Member States” substitute “The Director”;
- (b) in point (a) for “paragraphs 1 and 2” substitute “paragraph 2”; and
- (c) in point (c) –
 - (i) omit “agreed by all Member States and”; and
 - (ii) after “with” insert “Member States and”.

Article 5 of Commission Implementing Regulation (EU) No 1206/2011.

146. In Article 5 (safety requirements), in paragraph 1 for “Member States” substitute “The Director”.

Article 6 of Commission Implementing Regulation (EU) No 1206/2011.

147.(1) Article 6 (conformity or suitability for use of constituents) is amended as follows.

(2) The first unnumbered paragraph becomes paragraph 1.

(3) In that paragraph –

- (a) for “an EC” substitute “a”;
- (b) after “Regulation or” insert “if the manufacturer is not established in Gibraltar”; and

(c) for “the Union” substitute “Gibraltar”.

(4) The second unnumbered paragraph becomes paragraph 2.

Article 7 of Commission Implementing Regulation (EU) No 1206/2011.

148. In Article 7 (verification of systems), in paragraph 2 for “a notified” substitute “an appointed”.

Article 9 of Commission Implementing Regulation (EU) No 1206/2011.

149. In Article 9 (additional requirements for operators), in paragraph 2 for “4(1) and (2)” substitute “4(2)”.

Article 10 of Commission Implementing Regulation (EU) No 1206/2011.

150. In Article 10 (additional requirements for Member States)—

- (a) in the heading for “Member States” substitute “the Director”;
- (b) for “Member States” substitute “The Director”; and
- (c) omit “compliance with this Regulation including”.

Article 11 of Commission Implementing Regulation (EU) No 1206/2011.

151. Omit Article 11 (exemptions).

Article 12 of Commission Implementing Regulation (EU) No 1206/2011.

152. Omit Article 12 (entry into force and application).

Further amendment of Commission Implementing Regulation (EU) No 1206/2011.

153. After Article 12 omit the sentence which begins “This Regulation shall be binding”.

Annex 1 to Commission Implementing Regulation (EU) No 1206/2011.

154. In Annex 1 (airspace referred to in Article 4(1) and (4)), in each of the heading and the unnumbered paragraph for “4(1) and (4)” substitute “4(4)”.

Annex 2 to Commission Implementing Regulation (EU) No 1206/2011.

155. In Annex 2 (performance requirements referred to in Article 4(3)), in each of points 4, 6 and 7(a) after “agreed by” insert “Gibraltar and”.

Annex 3 to Commission Implementing Regulation (EU) No 1206/2011.

156. In Annex 3 (performance requirements referred to in Article 4(4)), in each of points (a) and (b) after “agreed by” insert “Gibraltar and”.

Annex 5 to Commission Implementing Regulation (EU) No 1206/2011.

157. In Annex 5 (requirements for the assessment of conformity or suitability for use of constituents referred to in Article 6), in point 4 omit “EC” in the first place it occurs.

Annex 7 to Commission Implementing Regulation (EU) No 1206/2011.

158.(1) Annex 7 is amended as follows.

(2) In Part A (requirements for the verification of systems referred to in Article 7(1)), in point 7–

- (a) omit “EC” in the first place it occurs; and
- (b) for “national supervisory authority” substitute “Director”.

(3) In Part B (requirements for the verification of systems referred to in Article 7(2))–

- (a) in point 5 for “a notified” substitute “an appointed”;
- (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
- (c) in point 9–
 - (i) omit “EC” in the first place it occurs; and
 - (ii) for “national supervisory authority” substitute “Director”.

CHAPTER 15

Amendment of Commission Implementing Regulation (EU) No 1207/2011

Commission Implementing Regulation (EU) No 1207/2011: introduction.

159. Commission Implementing Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and interoperability of surveillance for the single European sky is amended in accordance with regulations 160 to 175.

Article 1 of Commission Implementing Regulation (EU) No 1207/2011.

160. In Article 1 (subject matter) for “within” substitute “of the Gibraltar Air Traffic Management System (Gibraltar ATMS) in relation to”.

Article 5 of Commission Implementing Regulation (EU) No 1207/2011.

161. In Article 5 (interoperability requirements), in paragraph 7 for “Member States” substitute “The Director of Civil Aviation”.

Article 6 of Commission Implementing Regulation (EU) No 1207/2011.

162.(1) Article 6 (spectrum protection) is amended as follows.

(2) In paragraph 1–

(a) for “Member States” substitute “the Director of Civil Aviation”; and

(b) for “a Member State” substitute “Gibraltar”.

(3) In paragraph 3–

(a) for “By 2 January 2020 at the latest Member States” substitute “The Director of Civil Aviation”; and

(b) for “a Member State” substitute “Gibraltar”.

(4) Omit paragraph 4.

Article 7 of Commission Implementing Regulation (EU) No 1207/2011.

163. In Article 7 (associated procedures), in paragraph 3 for “Member States” substitute “The Director of Civil Aviation”.

Article 8 of Commission Implementing Regulation (EU) No 1207/2011.

164. Omit Article 8 (State aircraft).

Article 9 of Commission Implementing Regulation (EU) No 1207/2011.

165.(1) Article 9 (safety requirements) is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 2 for “Member States” substitute “The Director of Civil Aviation”.

(4) In paragraph 3 for “paragraphs 1 and 2” substitute “paragraph 2”.

Article 10 of Commission Implementing Regulation (EU) No 1207/2011.

166. In Article 10 (conformity or suitability for use of constituents), in the first unnumbered paragraph–

- (a) for “an EC” substitute “a”;
- (b) after “Regulation or” insert “if the manufacturer is not established in Gibraltar”;
and
- (c) for “the Union” substitute “Gibraltar”.

Article 11 of Commission Implementing Regulation (EU) No 1207/2011.

167. In Article 11 (verification of systems), in paragraph 2 for “a notified” substitute “an appointed”.

Article 12 of Commission Implementing Regulation (EU) No 1207/2011.

168. In Article 12 (additional requirements), in paragraph 4 for “Member States” substitute “The Director of Civil Aviation”.

Article 13 of Commission Implementing Regulation (EU) No 1207/2011.

169. Omit Article 13 (exemptions on the cooperative surveillance chain).

Article 14 of Commission Implementing Regulation (EU) No 1207/2011.

170.(1) Article 14 (exemptions on aircraft) is amended as follows.

- (2) In each of paragraphs 1 and 2 after “exempted” insert “by the Director”.
- (3) Omit paragraphs 3 to 5.

Article 15 of Commission Implementing Regulation (EU) No 1207/2011.

171. Omit Article 15 (entry into force and application).

Further amendment of Commission Implementing Regulation (EU) No 1207/2011.

172. After Article 15 omit the sentence which begins “This Regulation shall be binding”.

Annex 5 to Commission Implementing Regulation (EU) No 1207/2011.

173. In Annex 5 (requirements for the assessment of the level of performance of surveillance chains referred to in Article 7(1)), in paragraph 2 for “national supervisory authority” substitute “Director of Civil Aviation”.

Annex 7 to Commission Implementing Regulation (EU) No 1207/2011.

174. In Annex 7 (requirements for the assessment of the conformity or suitability for use of constituents referred to in Article 10), in point 4 omit “EC” in the first place it occurs.

Annex 9 to Commission Implementing Regulation (EU) No 1207/2011.

175.(1) Annex 9 is amended as follows.

(2) In Part A (requirements for the verification of systems referred to in Article 11(1)), in point 7–

- (a) omit “EC” in the first place it occurs; and
- (b) for “national supervisory authority” substitute “Director of Civil Aviation”.

(3) In Part B (requirements for the verification of systems referred to in Article 11(2))–

- (a) in point 5 for “a notified” substitute “an appointed”;
- (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
- (c) in point 9–
 - (i) omit “EC” in the first place it occurs; and
 - (ii) for “national supervisory authority” substitute “Director of Civil Aviation”.

CHAPTER 16

Amendment of Commission Implementing Regulation (EU) No 923/2012

Commission Implementing Regulation (EU) No 923/2012: introduction.

176. Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 is amended in accordance with regulations 177 to 190.

Article 1 of Commission Implementing Regulation (EU) No 923/2012.

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

(2) In paragraph 2–

- (a) in point (a) for “the Union” substitute “Gibraltar”; and
- (b) in point (b) for “a Member State of the Union” substitute “Gibraltar”.

(3) In paragraph 3 for “authorities of the Member States” substitute “authority”.

(4) In paragraph 4 for “Member States shall ensure that national rules are established” substitute “the Minister with responsibility for Civil Aviation must take such steps as the Minister with responsibility for Civil Aviation considers appropriate”.

Article 2 of Commission Implementing Regulation (EU) No 923/2012.

178. In Article 2 (definitions) for point 55 substitute–

“55. ‘competent authority’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009;”.

Article 3 of Commission Implementing Regulation (EU) No 923/2012.

179. In Article 3 (compliance), for “Member States” substitute “competent authority”.

Article 4 of Commission Implementing Regulation (EU) No 923/2012.

180.(1) Article 4 (exemptions for special operations) is amended as follows.

(2) In paragraph 1, in the words before point (a)–

(a) for “authorities” substitute “authority”; and

(b) for “their” substitute “its”.

(3) Omit paragraph 2.

Article 5 of Commission Implementing Regulation (EU) No 923/2012.

181. Omit Article 5 (differences).

Article 6 of Commission Implementing Regulation (EU) No 923/2012.

182.(1) Article 6 (monitoring of amendments) is amended as follows.

(2) In paragraph 1–

(a) for the words before point (a) substitute “The competent authority must:”; and

(b) in each of points (a) and (b) omit “to” in the first place it occurs.

(3) In paragraph 2 omit “Article 5 of this Regulation relating to the withdrawal and notification of differences and publication in the Aeronautical Information Publication and”.

Article 7 of Commission Implementing Regulation (EU) No 923/2012.

183.(1) Article 7 (amendments to the Annex) is amended as follows.

(2) For paragraph 1 substitute–

“1. The Minister with responsibility for Civil Aviation may by regulations amend the Annex to this Regulation.”.

(3) In paragraph 2 after “any relevant” insert “European”.

(4) At the end insert–

“3. Regulations under paragraph 1–

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

Article 8 of Commission Implementing Regulation (EU) No 923/2012.

184. Omit Article 8 (transitional and additional measures).

Article 9 of Commission Implementing Regulation (EU) No 923/2012.

185. Omit Article 9 (safety requirements).

Article 10 of Commission Implementing Regulation (EU) No 923/2012.

186. In Article 10 (amendments) omit paragraphs 1, 3 and 4.

Article 11 of Commission Implementing Regulation (EU) No 923/2012.

187. Omit Article 11 (entry into force).

Further amendment of Commission Implementing Regulation (EU) No 923/2012.

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

Annex to Commission Implementing Regulation (EU) No 923/2012.

189.(1) The Annex (rules of the air) is amended as follows.

(2) In Section 1 (flight over the high seas), in SERA.1001 (general)–

(a) in point (a)–

- (i) omit “in particular within Functional Airspace Blocks”;
- (ii) for “the member States” substitute “Gibraltar”;

- (iii) for “Member States” substitute “Gibraltar”; and
- (iv) for “they are” substitute “Gibraltar is”; and
- (b) in point (b)–
 - (i) for “a Member State” substitute “Gibraltar”; and
 - (ii) for “the Member State” substitute “the Minister with responsibility for Civil Aviation”.
- (3) In Section 2 (applicability and compliance), in SERA.2001 (subject)–
 - (a) in point (a) for “the Union” substitute “Gibraltar”;
 - (b) in point (b) for “a Member State of the Union” substitute “Gibraltar”; and
 - (c) in the unnumbered paragraph after point (b) for “Competent Authorities of the Member States” substitute “competent authority”.
- (4) In Section 3 (general rules and collision avoidance)–
 - (a) in each of SERA.3115 (dropping or spraying), SERA.3120 (towing), SERA.3125 (parachute descents) and SERA.3130 (aerobatic flight), for point (a) substitute–
 - “(a) legislation, if any, applicable to that activity, and”;
 - (b) in SERA.3145 (prohibited areas and restricted areas) for “Member State over whose territory the areas are established” substitute “Minister with responsibility for Civil Aviation”; and
 - (c) in SERA.3301 (general), in point (d) omit “Union or national”.
- (5) In Section 5 (visual meteorological conditions, visual flight rules, special VFR and instrument flight rules), in SERA.5005 (visual flight rules), in point (d)(2), in each of points (i) and (ii) for “Member States” substitute “competent authority”.
- (6) In Section 6 (airspace classification), in SERA.6001 (classification of airspaces)–
 - (a) in point (a) for “Member States” substitute “The competent authority”; and
 - (b) in point (b) for “the Member States” substitute “Gibraltar”.
- (7) In Section 7 (air traffic services), in SERA.7005 (coordination between the airport operator and air traffic services), in point (a) omit “Union”.

(8) In Section 8 (air traffic control service), in SERA.8035 (communications), in point (b)–

(a) for “Member States” substitute “Minister with responsibility for Civil Aviation”;
and

(b) omit the second sentence.

(9) In Section 11 (interference, emergency contingencies and interception), in SERA.11015 (interception), in point (a) for “Member States” substitute “the Minister with responsibility for Civil Aviation”.

(10) In Section 12 (services related to meteorology — aircraft observations and reports by voice communications), in SERA.12005 (special aircraft observations), in point (b) for “Competent authorities” substitute “The competent authority”.

(11) In Section 14 (voice communication procedures), in SERA.14015 (language to be used in air-ground communication)–

(a) in point (a) omit the words from “or” to the end of the point; and

(b) omit point (b).

Supplement to the Annex to Commission Implementing Regulation (EU) No 923/2012.

190. Omit the supplement to the Annex (list of commonly agreed differences to be notified to ICAO in accordance with Article 5).

CHAPTER 17

Amendment of Commission Implementing Regulation (EU) No 1079/2012

Commission Implementing Regulation (EU) No 1079/2012: introduction.

191. Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky is amended in accordance with regulations 192 to 209.

Article 2 of Commission Implementing Regulation (EU) No 1079/2012.

192. In Article 2 (scope), in paragraph 3, for “Member States are” substitute “Gibraltar is”.

Article 3 of Commission Implementing Regulation (EU) No 1079/2012.

193. In Article 3 (definitions)–

(a) in point 6 after “given by” insert “Gibraltar or”;

(b) in point 21 for “.” substitute “;”;

(c) after point 21 insert–

“(22) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009.”.

Article 4 of Commission Implementing Regulation (EU) No 1079/2012.

194.(1) Article 4 (interoperability and performance requirements of radio equipment) is amended as follows.

(2) In paragraph 1–

(a) after “or” insert “if the manufacturer is not established in Gibraltar”;

(b) for “the Union” substitute “Gibraltar”; and

(c) omit “from 17 November 2013”.

(3) In paragraph 3–

(a) for “Member States” substitute “The Director”; and

(b) after “issued in” insert “Gibraltar or the European”.

(4) In paragraph 4 omit “from 17 November 2013”.

(5) In paragraph 5–

(a) for “Member States” substitute “The Director”; and

(b) omit “by 31 December 2017 at the latest”.

Article 5 of Commission Implementing Regulation (EU) No 1079/2012.

195.(1) Article 5 (obligations of operators) is amended as follows.

(2) In paragraph 2–

(a) for “From 1 January 2014 an” substitute “An”; and

(b) for “class A, B or C of the” insert “class A, B or C under the responsibility of Gibraltar or the”.

(3) In paragraph 4 omit “from 1 January 2018”.

Article 6 of Commission Implementing Regulation (EU) No 1079/2012.

196.(1) Article 6 (requirements on 8,33 kHz conversions) is amended as follows.

- (2) In paragraph 1 for “Member States” substitute “The Director”.
- (3) In paragraph 2–
 - (a) for “Member States” substitute “the Director”; and
 - (b) for “the Commission” substitute “Eurocontrol”.
- (4) Omit paragraphs 3 to 7.
- (5) In paragraph 8–
 - (a) for “Member States listed in Annex I” substitute “The Director”; and
 - (b) omit “from 1 January 2015,”.
- (6) In paragraph 9–
 - (a) for “Member States” substitute “Director”; and
 - (b) for “Commission, by 31 December 2014 at the latest,” substitute “Minister with responsibility for Civil Aviation”.
- (7) In paragraph 10–
 - (a) for “Member States” substitute “The Director”; and
 - (b) omit “, by 31 December 2018 at the latest,”.

Article 8 of Commission Implementing Regulation (EU) No 1079/2012.

197. In Article 8 (associated procedures) omit paragraph 7.

Article 9 of Commission Implementing Regulation (EU) No 1079/2012.

198. Omit Article 9 (arrangements for State aircraft).

Article 10 of Commission Implementing Regulation (EU) No 1079/2012.

199. In Article 10 (safety requirements) for “Member States” substitute “The Director”.

Article 11 of Commission Implementing Regulation (EU) No 1079/2012.

200. In Article 11 (conformity or suitability for use of constituents), in each of paragraphs 1 and 2, for “an EC” substitute “a”.

Article 12 of Commission Implementing Regulation (EU) No 1079/2012.

201.(1) Article 12 (verification of systems) is amended as follows.

- (2) In paragraph 1 for “their national supervisory authority” substitute “the Director”.
- (3) In paragraph 2 for “a notified” substitute “an appointed”.
- (4) In paragraph 3 for “an EC” substitute “a”.

Article 13 of Commission Implementing Regulation (EU) No 1079/2012.

202.(1) Article 13 (additional requirements) is amended as follows.

- (2) In paragraph 1 for “Member States” substitute “The Director”.
- (3) Omit paragraphs 2 and 4.
- (4) In paragraph 6 for “Member States” substitute “The Director”.

Article 14 of Commission Implementing Regulation (EU) No 1079/2012.

203.(1) Article 14 (exemptions) is amended as follows.

- (2) In paragraph 1—
 - (a) for “the first paragraph of Article 4 of Commission Regulation (EC) No 730/2006,” substitute “point SERA.5005(d)(2) of the Annex to Commission Implementing Regulation (EU) No 923/2012”; and
 - (b) for “Member States” substitute “the Director”.
- (3) In paragraph 2—
 - (a) for “Member States” substitute “The Director”; and
 - (b) omit “local”.
- (4) In paragraph 3—
 - (a) for “Member States” substitute “The Director, if”;

(b) omit “local”; and

(c) for “the Commission” substitute “Eurocontrol”.

(5) Omit paragraph 4.

Article 15 of Commission Implementing Regulation (EU) No 1079/2012.

204. Omit Article 15 (repeal).

Article 16 of Commission Implementing Regulation (EU) No 1079/2012.

205. Omit Article 16 (entry into force).

Further amendment of Commission Implementing Regulation (EU) No 1079/2012.

206. After Article 16 omit the sentence which begins “This Regulation shall be binding”.

Annex 1 to Commission Implementing Regulation (EU) No 1079/2012.

207.(1) Annex 1 (Member States referred to in Articles 5 and 6) is amended as follows.

(2) In the heading for “Articles 5 and 6” substitute “Article 5”.

(3) In the text before the indented list for “Articles 5(2), 6(3), 6(5) and 6(8)” substitute “Article 5(2)”.

(4) Omit the last indent (United Kingdom).

Annex 3 to Commission Implementing Regulation (EU) No 1079/2012.

208.(1) Annex 3 (requirements referred to in Article 10, to be taken into consideration during the safety assessment) is amended as follows.

(2) In point 4 omit “(2),”.

(3) In each of points 5 and 6 for “Member States” substitute “The Director”.

(4) In point 9, for the words from “Member States” to “shall” substitute “If the Director converts frequency assignments to 8,33 kHz channel spacing in any part of the airspace under the responsibility of Gibraltar it must:”.

Annex 4 to Commission Implementing Regulation (EU) No 1079/2012.

209.(1) Annex 4 is amended as follows.

(2) In Part B (internal production control module)–

- (a) in point 1–
 - (i) after “manufacturer or”, in both places those words occur, insert “, if the manufacturer is not established in Gibraltar”; and
 - (ii) for “the Union”, in both places it occurs, substitute “Gibraltar”;
 - (b) in point 2–
 - (i) for “He or his” substitute “The manufacturer, or if the manufacturer is not established in Gibraltar, the manufacturer’s”;
 - (ii) for “the Union”, in both places it occurs, substitute “Gibraltar”;
 - (iii) for “relevant national supervisory authorities” substitute “Director”;
 - (iv) after “manufacturer or” insert “, if the manufacturer is not established in Gibraltar”; and
 - (v) for “Member States” substitute “Director”;
 - (c) in point 3–
 - (i) for “the Union”, in the first place it occurs, substitute “Gibraltar”;
 - (ii) for “the Union”, in the second place it occurs, substitute “the Gibraltar”;
and
 - (iii) for “Member States” substitute “Director”; and
 - (d) in point 5 after “manufacturer or” insert “, if the manufacturer is not established in Gibraltar”.
- (3) In Part C (requirements for the verification of systems referred to in Article 12(1)), in point 7–
- (a) omit “EC” in the first place it occurs; and
 - (b) for “national supervisory authority” substitute “Director”.
- (4) In Part D (requirements for the verification of systems referred to in Article 12(2))–
- (a) in point 5 for “a notified” substitute “an appointed”;
 - (b) in each of points 6 to 8 for “notified” substitute “appointed”; and
 - (c) in point 9–

- (i) omit “EC” in the first place it occurs; and
- (ii) for “national supervisory authority” substitute “Director”.

CHAPTER 18

Revocation of Commission Implementing Regulation (EU) No 390/2013

Commission Implementing Regulation (EU) No 390/2013.

210. Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions is revoked.

CHAPTER 19

Revocation of Commission Implementing Regulation (EU) No 391/2013

Commission Implementing Regulation (EU) No 391/2013.

211. Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013 laying down a common charging scheme for air navigation services is revoked.

CHAPTER 20

Revocation of Commission Implementing Regulation (EU) No 409/2013

Commission Implementing Regulation (EU) No 409/2013.

212. Commission Implementing Regulation (EU) No 409/2013 of 3 May 2013 on the definition of common projects, the establishment of governance and the identification of incentives supporting the implementation of the European Air Traffic Management Master Plan is revoked.

CHAPTER 21

Revocation of Commission Implementing Regulation (EU) No 657/2013

Commission Implementing Regulation (EU) No 657/2013.

213. Commission Implementing Regulation (EU) No 657/2013 of 10 July 2013 amending Commission Implementing Regulation (EU) No 1079/2012 laying down requirements for voice channels spacing for the single European sky is revoked.

CHAPTER 22

Revocation of Commission Implementing Regulation (EU) No 716/2014

Commission Implementing Regulation (EU) No 716/2014.

214. Commission Implementing Regulation (EU) No 716/2014 of 27 June 2014 on the establishment of the Pilot Common Project supporting the implementation of the European Air Traffic Management Master Plan is revoked.

CHAPTER 23

Revocation of Commission Implementing Regulation (EU) No 970/2014

Commission Implementing Regulation (EU) No 970/2014.

215. Commission Implementing Regulation (EU) No 970/2014 of 12 September 2014 amending Regulation (EU) No 677/2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions is revoked.

CHAPTER 24

Revocation of Commission Implementing Regulation (EU) 2015/310

Commission Implementing Regulation (EU) 2015/310.

216. Commission Implementing Regulation (EU) 2015/310 of 26 February 2015 amending Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky and repealing Implementing Regulation (EU) No 441/2014 is revoked.

CHAPTER 25

Amendment of Commission Implementing Regulation (EU) 2016/1185

Commission Implementing Regulation (EU) 2016/1185: introduction.

217. Commission Implementing Regulation (EU) 2016/1185 of 20 July 2016 amending Implementing Regulation (EU) No 923/2012 as regards the update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation (SERA Part C) and repealing Regulation (EC) No 730/2006 is amended in accordance with regulations 218 to 220.

Article 3 of Commission Implementing Regulation (EU) 2016/1185.

218. Omit Article 3 (entry into force and application).

Further amendment of Commission Implementing Regulation (EU) 2016/1185.

219. After Article 3 omit the sentence which begins “This Regulation shall be binding”.

Annex to Commission Implementing Regulation (EU) 2016/1185.

220. In the Annex omit point 30 (which amends the supplement to the Annex to Implementing Regulation (EU) No 923/2012).

CHAPTER 26

Amendment of Commission Implementing Regulation (EU) 2017/373

Commission Implementing Regulation (EU) 2017/373: introduction.

221. Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 is amended in accordance with regulations 222 to 237.

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

222. In Article 1 (subject matter), point 2–

- (a) for “authorities” substitute “authority”; and
- (b) for “their” substitute “its”.

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

223. In Article 2 (definitions)–

- (a) omit points (3) and (4);
- (b) in point (5) for “.” substitute “,”;
- (c) after point (5) insert–

“(6) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009.”.

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

224.(1) Article 3 (provision of ATM/ANS and ATM network functions) is amended as follows.

(2) In paragraph 1 for “Member States” substitute “The Minister with responsibility for civil aviation”.

(3) In paragraph 2–

- (a) for “Member States adopt” substitute “the Minister with responsibility for civil aviation adopts”;
- (b) omit “on any matters left to the Member States under this Regulation”;
- (c) for “in addition to notifying” substitute “the Minister with responsibility for civil aviation shall notify”; and
- (d) omit “, the Member States shall notify the European Aviation Safety Agency (the ‘Agency’)”.

(4) In paragraph 3–

- (a) for “Member States” substitute “The Director”; and
- (b) for “their” substitute “its”.

(5) In paragraph 4–

- (a) for “a Member State” substitute “the Minister with responsibility for civil aviation”;
- (b) for “that Member State” substitute “he or she”; and
- (c) omit “Union and national”.

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

225.(1) Article 4 (competent authority for certification) is amended as follows.

(2) For paragraph 1 substitute–

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

(3) Omit the unnumbered paragraph after paragraph 1.

(4) In paragraph 2 for “competent authorities” substitute “competent authority”.

(5) Omit paragraphs 3, 4 and 7.

(6) In paragraph 5–

- (a) for “their”, in both places it occurs, substitute “its”;
- (b) for “authorities”, in each place it occurs, substitute “authority”;
- (c) for “Member States” substitute “the Minister with responsibility for Civil Aviation”; and
- (d) for “exercise” substitute “exercises”.

(7) In paragraph 6–

- (a) for “Member States and, where the Agency is the competent authority, the Commission” substitute “The Minister with responsibility for Civil Aviation”;
- (b) for “their”, in the first place it occurs, substitute “the”;
- (c) for “authorities do” substitute “authority does”; and
- (d) for “their”, in the second place it occurs, substitute “its”.

(8) In paragraph 8–

- (a) for “Member States and, where the Agency is the competent authority, the Commission” substitute “The Minister with responsibility for Civil Aviation”;
- (b) for “authorities for the exercise of their” substitute “authority for the exercise of its”;
- (c) omit “respective”;
- (d) for “authorities”, in the last place it occurs, substitute “authority”; and
- (e) for “their tasks”, in the second place those words occur, substitute “its tasks”.

Article 5 of Commission Implementing Regulation (EU) 2017/373.

226.(1) Article 5 (powers of the competent authority referred to in Article 4) is amended as follows.

(2) In paragraph 1–

- (a) for “authorities” substitute “authority”; and
- (b) for “their”, in both places it occurs, substitute “its”.

(3) In paragraph 2–

- (a) for “authorities” substitute “authority”; and
 - (b) for “their” substitute “its”.
- (4) In paragraph 3—
- (a) for “national law of the Member State where the activities in question take place” substitute “applicable law”;
 - (b) omit “national” in the second place it occurs;
 - (c) after “prior” insert “judicial”; and
 - (d) omit “from the judicial authority of the Member State concerned”.
- (5) In paragraph 4—
- (a) for “authorities” substitute “authority”;
 - (b) for “they” substitute “it”; and
 - (c) for “them” substitute “it”.

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

227.(1) Article 6 (service providers) is amended as follows.

- (2) In point (c) omit “, providers of air traffic flow management and the Network Manager”.
- (3) In point (k) omit “, when those requirements will be adopted by the Commission”.
- (4) Omit point (l).

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

228. In Article 7 (declaration by providers of flight information services) for “Member States allow” substitute “the Minister with responsibility for civil aviation allows”.

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

229. Article 8 (existing certificates) is omitted.

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

230. In Article 9 (repeal and amendment) omit paragraphs 2 and 3.

Article 10 of Commission Implementing Regulation (EU) 2017/373.

231. Omit Article 10 (entry into force).

Further amendment of Commission Implementing Regulation (EU) 2017/373.

232. After Article 10 omit the sentence which begins “This Regulation shall be binding”.

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

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

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

(3) In point (23)–

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

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

(4) For point (30) substitute–

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

(5) In point (32)–

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

(b) in point (b)–

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

(ii) for “that State” substitute “the Minister with responsibility for civil aviation”.

(6) In point (36) for “Agency” substitute “competent authority”.

(7) In point (59) for “Agency” substitute “competent authority”.

(8) In point (88) for “a competent authority” substitute “the competent authority”.

(9) In point (108) for “the Member States” substitute “Gibraltar”.

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

234.(1) Annex 2 (requirements for competent authorities – oversight of services and other ATM network functions) is amended as follows.

(2) In point ATM/ANS.AR.A.001 (scope)–

- (a) for “competent authorities responsible for” substitute “competent authority so far as it exercises”;
- (b) after “enforcement” insert “tasks”.

(3) In point ATM/ANS.AR.A.005 (certification, oversight and enforcement tasks)–

- (a) in point (b)–
 - (i) for “competent authorities”, in the first place those words occur, substitute “competent authority”;
 - (ii) in point (2) for “they are” substitute “it is” and for “their” substitute “its”;
 - (iii) omit point (3); and
 - (iv) omit the unnumbered paragraph after point (3); and
- (b) omit point (c).

(4) In point ATM/ANS.AR.A.015 (means of compliance)–

- (a) omit point (a);
- (b) in point (b) for “Alternative means of compliance (AltMOC)” substitute “Means of compliance (MOC)”;
- (c) in point (c) for “AltMOC” substitute “MOC”;
- (d) in point (d)–
 - (i) for “AltMOC”, in each place it occurs, substitute “MOC”; and
 - (ii) omit points (2) and (3); and
- (e) in point (e)–
 - (i) for “AltMOC” substitute “MOC”; and
 - (ii) omit point (2) and the unnumbered paragraph after that point.

- (5) Omit point ATM/ANS.AR.A.020 (information to the Agency).
- (6) In point ATM/ANS.AR.A.025 (immediate reaction to safety problems)–
- (a) omit point (b);
 - (b) in point (c) for “points (a) and (b)” substitute “point (a)”; and
 - (c) in point (d) omit the second sentence.
- (7) In point ATM/ANS.AR.A.030 (safety directives) omit point (c).
- (8) In point ATM/ANS.AR.B.001 (management system)–
- (a) in point (a)(1) for “that” substitute “the”; and
 - (b) omit points (c) and (d).
- (9) In point ATM/ANS.AR.B.010 (changes in the management system) for “Agency” substitute “the Minister with responsibility for civil aviation”.
- (10) In point ATM/ANS.AR.B.015 (record-keeping), in point (a)–
- (a) in point (6)–
 - (i) for “the territory of the Member State” substitute “Gibraltar”; and
 - (ii) for “another” substitute “a”; and
 - (b) in point (7)–
 - (i) omit “and notification to the Agency”; and
 - (ii) for “AltMOC”, in both places it occurs, substitute “MOC”.
- (11) In point ATM/ANS.AR.C.001 (monitoring of safety performance)–
- (a) for “authorities”, in both places it occurs, substitute “authority”; and
 - (b) for “their”, in both places it occurs, substitute “its”.
- (12) In point ATM/ANS.AR.C.005 (certification, declaration and verification of service providers’ compliance with the requirements)–
- (a) in point (b)(5) omit “Article 9 of Regulation (EC) No 549/2004”;
 - (b) in point (b)(6) for “national” substitute “applicable”.

(13) In point ATM/ANS.AR.C.040 (review of a notified change to the functional system) omit point (a)(2).

(14) In point ATM/ANS.AR.C.050 (findings, corrective actions, and enforcement measures)–

- (a) in point (c) omit “, with the designation act, if applicable,”; and
- (b) in point (e)(1) omit “, and in the case of the Network Manager, it shall inform the Commission”.

(15) In Appendix 1–

- (a) omit “EUROPEAN UNION”;
- (b) for “COMPETENT AUTHORITY” substitute “THE DIRECTOR OF CIVIL AVIATION”;
- (c) for “competent authority” substitute “Director of Civil Aviation”;
- (d) for “Competent authority”, in both places those words occur, substitute “The Director of Civil Aviation”;
- (e) omit “For the Member State/EASA”.

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

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

(2) In point ATM/ANS.OR.A.010 (application for a limited certificate)–

- (a) in point (a) for “the Member State where its principal place of operation or, if any, registered office is located” substitute “Gibraltar”;
- (b) in point (b)–
 - (i) in point (1) omit “, other than a provider of air traffic services”;
 - (ii) in that point for “EUR 1 000 000” substitute “£875,000”; and
 - (iii) omit point (2);
- (c) omit point (d).

(3) In point ATM/ANS.OR.A.020 (means of compliance)–

- (a) in point (a) for “Alternative means of compliance (AltMOC) to the AMC adopted by the Agency” substitute “Means of compliance (MOC)”;
 - (b) in point (b)–
 - (i) for “an AltMOC” substitute “a MOC”; and
 - (ii) for “AltMOC”, in the second place it occurs, substitute “MOC”; and
 - (c) in the unnumbered paragraph after point (b) omit “alternative”.
- (4) In point ATM/ANS.OR.A.025 (continued validity of a certificate) in point (a)(1) for “competent authorities” substitute “competent authority”.
- (5) In point ATM/ANS.OR.A.050 (facilitation and cooperation) for “competent authorities referred to in Article 5” substitute “competent authority”.
- (6) In point ATM/ANS.OR.A.065 (occurrence reporting) in point (a) for “Member State where the service provider provides its services” substitute “competent authority”.
- (7) In point ATM/ANS.OR.A.075 (open and transparent provision of services) in point (b) for “Union” substitute “applicable”.
- (8) In the title for SUBPART D omit the words “AND ATFM PROVIDERS AND THE NETWORK MANAGER”.
- (9) In point ATM/ANS.OR.D.001 (scope) for “and air traffic flow management (ATFM) providers and the Network Manager” substitute “providers”.
- (10) In point ATM/ANS.OR.D.005 (business, annual, and performance plans) –
- (a) in point (a) (business plan)–
 - (i) in point (1) omit “and air traffic flow management”;
 - (ii) in point (1)(i)–
 - (aa) omit “and of the air traffic flow management”;
 - (bb) omit “or of the air traffic flow management provider”; and
 - (cc) for “Union” substitute “applicable”;
 - (iii) in point (1)(ii) for “Commission Implementing Regulation (EU) No 390/2013” substitute “any relevant enactment”;

- (iv) in point (2) for “the performance plan referred to in Article 11 of Regulation (EC) No 549/2004” substitute “any performance plan that may be required by a relevant enactment”;
- (v) in point (3)–
 - (aa) omit “and air traffic flow management”; and
 - (bb) omit the words from “and identifying” to the end of the point;
- (b) in point (b) (annual plan)–
 - (i) in point (1) omit “and air traffic flow management”;
 - (ii) in point (2)(i) omit “or of the air traffic flow management provider”; and
 - (iii) in point (2)(ii) for “the performance plan referred to in Article 11 of Regulation (EC) No 549/2004” substitute “any performance plan that may be required by a relevant enactment”;
 - (iv) in each of points (iii) and (iv) omit “and air traffic flow management”; and
- (c) in point (c) (performance part of the plans)–
 - (i) omit “and the air traffic flow management”;
 - (ii) for “Commission” substitute “competent authority”; and
 - (iii) for “national” substitute “applicable”.

(11) In point ATM/ANS.OR.D.010 (security management) in points (a), (c) and (d) for “and air traffic flow management providers and the Network Manager” substitute “providers” in each place where it occurs.

(12) In point ATM/ANS.OR.D.015 (financial strength – economic and financial capacity) omit “and air traffic flow management”.

(13) In point ATM/ANS.OR.D.020 (liability and insurance cover)–

- (a) in points (a) and (c) for “and air traffic flow management providers and the Network Manager” substitute “providers” in each place where it occurs; and
- (b) in point (b) omit “and the Network Manager”.

(14) In point ATM/ANS.OR.D.025 (reporting requirements)–

- (a) in points (a), (b) and (d)(2) omit “and air traffic flow management” in each place where it occurs;

- (b) in point (a) for “shall” substitute “may be required by a relevant enactment to”;
- (c) omit points (c) and (d)(3);
- (d) in point (d) for “reports” substitute “report” and omit “and (c)”;
- (e) in point (d)(2) for “the annual plan” substitute “any plan that may be required by a relevant enactment”;
- (f) in point (4) for “the reference period referred to in Article 11 of Regulation (EC) No 549/2004” substitute “any relevant reference period that may be established by a relevant enactment”; and
- (g) in point (e)–
 - (i) for “and air traffic flow management providers and the Network Manager” substitute “providers”;
 - (ii) for “Commission and the Agency” substitute “competent authority”;
 - (iii) for “their” substitute “its”; and
 - (iv) for “Union and national” substitute “applicable”.

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

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

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

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

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

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

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

CHAPTER 27

Amendment of Commission Implementing Regulation (EU) 2017/386

Amendment of Commission Implementing Regulation (EU) 2017/386.

238. In Commission Implementing Regulation (EU) 2017/386 of 6 March 2017 amending Implementing Regulation (EU) No 1207/2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky omit Article 1(4)(b).

CHAPTER 28

Amendment of Commission Implementation Regulation (EU) 2018/1048

Commission Implementing Regulation (EU) 2018/1048.

239. Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation is amended in accordance with regulations 240 to 244.

Article 1 of Commission Implementing Regulation (EU) 2018/1048.

240. In Article 1 (subject matter and scope), in paragraph 2, for the words from “following airspace” to the end of the paragraph substitute “airspace under the responsibility of Gibraltar.”.

Article 2 of Commission Implementing Regulation (EU) 2018/1048.

241. In Article 2 (Definitions), after point (16) insert –

“(17) ‘the Director’ means the Director of Civil Aviation, as defined in the Civil Aviation Act 2009.”.

Article 4 of Commission Implementing Regulation (EU) 2018/1048.

242.(1) Article 4 (transitional measures) is amended as follows.

(2) After paragraph 1, in the second unnumbered paragraph, for “the European ATM Master Plan and the common projects referred to in Article 15a of Regulation 550/2004” substitute “any regulations made by the Minister with responsibility for civil aviation under Article 15a of Regulation 550/2004”.

(3) Omit paragraph 2(b).

(4) In paragraph 3, for “competent authority responsible for the airspace concerned” substitute “Director”.

(5) After paragraph 3–

(a) in the first unnumbered paragraph–

(i) for “that competent authority” substitute “the Director”;

(ii) omit the last sentence; and

(b) in the second unnumbered paragraph–

(i) for “That competent authority” substitute “The Director”;

(ii) for “that competent authority” substitute “the Director”.

Article 7 of Commission Implementing Regulation (EU) 2018/1048.

243. Omit Article 7 (entry into force and application) and the sentence after it which begins “This Regulation shall be binding”.

Annex of Commission Implementing Regulation (EU) 2018/1048.

244.(1) The Annex (SUBPART PBN – Performance-based navigation) is amended as follows.

(2) Omit points AUR.PBN.2005(4) and (5).

(3) In point AUR.PBN.2005(6), after “route operations,” insert “for ATS routes at or above FL150,”.

(4) In point AUR.PBN.2005(7), for “points (4) and (6)” substitute “point (6)”.

CHAPTER 29

Revocation of Commission Implementing Regulation (EU) 2019/123

Commission Implementing Regulation (EU) 2019/123.

245. Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 is revoked.

CHAPTER 30

Revocation of Commission Implementing Regulation (EU) 2019/317

Commission Implementing Regulation (EU) 2019/317.

246. Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 is revoked.

CHAPTER 31

Revocation of Commission Implementing Regulation (EU) 2020/1627

Commission Implementing Regulation (EU) 2020/1627.

247. Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic is revoked.

PART 4

Amendment and revocation of EU decisions

CHAPTER 1

Revocation of Council Decision 2004/636/EC

Council Decision 2004/636/EC.

248. Council Decision of 29 April 2004 on the conclusion by the European Community of the Protocol on the accession of the European Community to the European Organisation for the Safety of Air Navigation (2004/636/EC) is revoked.

CHAPTER 2

Revocation of Council Decision 2009/320/EC

Council decision 2009/320/EC.

249. Council Decision of 30 March 2009 endorsing the European Air Traffic Management Master Plan of the Single European Sky ATM Research (SESAR) project (2009/320/EC) is revoked.

CHAPTER 3

Revocation of Commission Decision of 12.8.2010

Commission Decision of 12.8.2010.

250. Commission Decision of 12.8.2010 on the designation of a functional airspace blocks system coordinator in the context of the Single European Sky is revoked.

CHAPTER 4

Revocation of Commission Decision 2011/121/EU

Commission Decision 2011/121/EU.

251. Commission Decision of 21 February 2011 setting the European Union-wide performance targets and alert thresholds for the provision of air navigation services for the years 2012 to 2014 (2011/121/EU) is revoked.

CHAPTER 5

Revocation of Commission Decision of 20.5.2011

Commission Decision of 20.5.2011.

252. Commission Decision of 20.5.2011 on exemptions under Article 14 of Commission Regulation (EC) No 29/2009, is revoked.

CHAPTER 6

Revocation of Commission Decision of 7.7.2011

Commission Decision of 7.7.2011.

253. Commission Decision of 7.7.2011 on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky is revoked.

CHAPTER 7

Revocation of Commission Implementing Decision of 9.12.2011.

Commission Implementing Decision of 9.12.2011.

254. Commission Implementing Decision of 9.12.2011 on exemptions under Article 14 of Commission Regulation (EC) No 29/2009, is revoked.

CHAPTER 8

Revocation of Commission Implementing Decision of 8.10.2012

Commission Implementing Decision of 8.10.2012.

255. Commission Implementing Decision of 8.10.2012 on the adoption of the European Union's position on the approval of a modification to the European Air Traffic Management Master Plan is revoked.

CHAPTER 9

Revocation of Commission Implementing Decision of 19.12.2012

Commission Implementing Decision of 19.12.2012.

256. Commission Implementing Decision of 19.12.2012 on the approval of the Network Strategy Plan for the air traffic management network functions of the single European sky for the period 2012-2019 is revoked.

CHAPTER 10

Revocation of Commission Implementing Decision 2014/132/EU

Commission Implementing Decision 2014/132/EU.

257. Commission Implementing Decision of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19 is revoked.

CHAPTER 11

Revocation of Commission Implementing Decision of 22.7.2014

Commission Implementing Decision of 22.7.2014.

258. Commission Implementing Decision of 22.7.2014 approving the Network Strategy Plan for the air traffic management network functions of the single European sky for the period 2015-2019 is revoked.

CHAPTER 12

Revocation of Commission Implementing Decision (EU) 2015/290

Commission Implementing Decision (EU) 2015/290.

259. Commission Implementing Decision (EU) 2015/290 of 20 February 2015 on the compliance of 2014 unit rates for charging zones under Article 17 of Implementing Regulation (EU) No 391/2013 and repealing Decision 2013/631/EU is revoked.

CHAPTER 13

Revocation of Commission Implementing Decision (EU) 2015/348

Commission Implementing Decision (EU) 2015/348.

260. Commission Implementing Decision (EU) 2015/348 of 2 March 2015 concerning the consistency of certain targets included in the national or functional airspace block plans submitted pursuant to Regulation (EC) No 549/2004 of the European Parliament and of the Council with the Union-wide performance targets for the second reference period is revoked.

CHAPTER 14

Revocation of Commission Implementing Decision (EU) 2015/670

Commission Implementing Decision (EU) 2015/670.

261. Commission Implementing Decision (EU) 2015/670 of 27 April 2015 on the compliance of unit rates for charging zones for 2015 under Article 17 of Implementing Regulation (EU) No 391/2013 is revoked.

CHAPTER 15

Revocation of Commission Implementing Decision (EU) 2015/2224

Commission Implementing Decision (EU) 2015/2224.

262. Commission Implementing Decision (EU) 2015/2224 of 27 November 2015 on the appointment of the chairperson, the members and their alternates of the Network Management Board for the air traffic management network functions for the second reference period (20152019) is revoked.

CHAPTER 16

Revocation of Council Decision (EU) 2015/2394

Council Decision (EU) 2015/2394.

263. Council Decision (EU) 2015/2394 of 8 December 2015 on the position to be taken by the Member States on behalf of the European Union, concerning the decisions to be adopted by the Permanent Commission of Eurocontrol, with regard to the roles and tasks of Eurocontrol and on centralised services is revoked.

CHAPTER 17

Revocation of Commission Implementing Decision (EU) 2016/418

Commission Implementing Decision (EU) 2016/418.

264. Commission Implementing Decision (EU) 2016/418 of 18 March 2016 on the compliance of unit rates for charging zones for 2016 under Article 17 of Implementing Regulation (EU) No 391/2013 is revoked.

CHAPTER 18

Revocation of Council Decision (EU) 2016/1124

Council Decision (EU) 2016/1124.

265. Council Decision (EU) 2016/1124 of 24 June 2016 on the position to be taken by the Member States on behalf of the European Union within the Permanent Commission of Eurocontrol as regards the decisions to be adopted on centralised services is revoked.

CHAPTER 19

Revocation of Commission Implementing Decision (EU) 2016/1373

Commission Implementing Decision (EU) 2016/1373.

266. Commission Implementing Decision (EU) 2016/1373 of 11 August 2016 approving the Network Performance Plan for the second reference period of the Single European Sky performance scheme (2015-2019) is revoked.

CHAPTER 20

Revocation of Council Decision (EU) 2016/1764

Council Decision (EU) 2016/1764.

267. Council Decision (EU) 2016/1764 of 29 September 2016 on the position to be taken by the European Union within the EU-ICAO Joint Committee on the Decision on the adoption of an annex on Air Traffic Management to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organization providing a framework for enhanced cooperation is revoked.

CHAPTER 21

Revocation of Commission Implementing Decision (EU) 2016/2296

Commission Implementing Decision (EU) 2016/2296.

268. Commission Implementing Decision (EU) 2016/2296 of 16 December 2016 setting up the independent group of experts designated as Performance Review Body of the single European sky is revoked.

CHAPTER 22

Revocation of Commission Implementing Decision (EU) 2017/2376

Commission Implementing Decision (EU) 2017/2376.

269. Commission Implementing Decision (EU) 2017/2376 of 15 December 2017 amending Implementing Decision (EU) 2015/348 as regards the consistency of the revised targets in the key performance area of cost-efficiency included in the amended national or functional airspace block plans submitted by Malta, Bulgaria and Poland is revoked.

CHAPTER 23

Revocation of Commission Implementing Decision (EU) 2019/903

Commission Implementing Decision (EU) 2019/903.

270. Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 is revoked.

PART 5

Amendment of the EEA agreement

Amendment of Annex 13 to the EEA agreement.

271.(1) Annex 13 to the EEA agreement is amended as follows.

(2) In point 66t (application and adaptations of Regulation (EC) No 549/2004) omit adaptations (a) to (g).

(3) In point 66u (application and adaptations of Regulation (EC) No 550/2004) omit adaptations (a) to (f).

(4) Omit point 66ua (application of Commission Regulation (EU) No 176/2011).

(5) Omit point 66ub (application of Commission Regulation (EU) No 409/2013).

(6) In point 66v (application and adaptations of Regulation (EC) No 551/2004) omit adaptations (a) to (c).

(7) Omit point 66wg (application and adaptation of Commission Regulation (EC) No 29/2009).

(8) Omit point 66wm (application of Commission Implementing Regulation No 391/2013).

(9) Omit point 66wn (application and adaptations of Commission Regulation (EU) No 677/2011).

(10) Omit point 66xd (application of Commission Decision 2011/121/EU).

(11) Omit point 66xe (application of Commission Implementing Decision 2014/132/EU).

(12) Omit point 66xf (application and adaptations of Commission Implementing Regulation (EU) No 390/2013).

(13) In point 66xg (application and adaptations of Commission Implementing Regulation (EU) 2017/373) omit adaptations (a) to (e).

Dated: 22nd December 2022.

DR J GARCIA,
Minister with responsibility for civil aviation.

EXPLANATORY MEMORANDUM

These Regulations are made in exercise of the powers in section 11(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 arising from the withdrawal of the United Kingdom from the European Union.